

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
FOURTEENTH DAY
AUGUST 24, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 4:03 P.M.]

P.O. CARACAPPA:

All Legislators, please report to the horseshoe. I'd like to get started. Good evening, Mr. Clerk. Please, call the roll.

MR. BARTON:

Good afternoon, Mr. Chairman.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. CRECCA:

Yes, here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Here.

LEG. FOLEY:

Henry.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

Legislator Foley, welcome. Legislator Lindsay? There are 14 present, Mr. Chairman. (Not Present at Roll Call: Legs. Caracciolo, Lindsay, Bishop and Tonna)

P.O. CARACAPPA:

Thank you, Mr. Barton. Will everyone please rise for a salute to the flag, led by Legislator Alden.

(Salutation)

P.O. CARACAPPA:

Please, remain standing. At this point, I'd like to introduce Legislator Allan Binder for the purposes of introducing tonight's clergy. Legislator Binder.

LEG. BINDER:

Thank you. I have the distinct honor to introduce today Rabbi Silverman of the East Northport Jewish Center. It's an important community of conservative Jewish observants in my district and in Suffolk County. And I think, I don't know, he might be the third since I'm in the Legislature. So, this is his one•year anniversary, really, and he's done a fine job. We hear only good things about him and the growth, the spiritual growth that's happening there. And so, I

want to commend Rabbi Silverman and invite him to speak before the Legislature tonight.

RABBI SILVERMAN:

The prayer that comes in the Jewish prayer book three times a day is the first of our petitionary prayers, and this is in the main standing prayers. It asks for intelligence. _Prayer Said in Hebrew_ it says there. Literally, it means, "Bestow us, God, with knowledge, insight and wisdom." Why all of them? Aren't they really all the same? No, they're not. They're different, and, yet, they're all crucial. Knowledge means the scope of information, and research •gathering knowledge culls the raw data. Insight is something else. Insight is the ability to analyze, and to weigh, and sift through the information to pull out the main themes, the overarching challenges and tensions. And finally, wisdom is the ability to see even further, to anticipate the fallout and the consequences, and to make certain that the direction is both authentic to analysis of the problem, but, at the same time, of maximum benefit and minimum harm.

You in the County of Suffolk, like all counties in this great nation of ours, are in need of these qualities. We face times that are at times frightening. We face shrinking budgets and growing unemployment. We face challenges and security concerns. We face at times the quiet desperation of growing poverty for some, choices between rent and medical insurance, choices between university and supporting a family. We face our own private difficulties of balancing family and work, ego and humility, material and spiritual. Our tasks, therefore, need these three aspects of our minds and hearts. God, bestow upon us knowledge, insight and wisdom as we embark in this session, and may the Lord bless the work of our hands. Amen.

P.O. CARACAPPA:

Everyone, please, remain standing. This week, unfortunately, two of our Legislative family here lost loved ones, and I'd just like to recognize them both with a moment of silence. Legislative Aide Ed Hogan lost his sister, Maureen Clancy. And our Legislative Analyst from Budget Review, Joe Schroeder, lost his mother, Mrs. Schroeder. So, I'd ask everyone to, please, bow your head in silence and pray for them.

(Moment of Silence)

Thank you very much. At this point, I'd like to recognize Legislator Cameron Alden for the

purposes of presenting a proclamation. Legislator Alden?

LEG. ALDEN:

Yes. Angie. I'd ask the Deputy Presiding Officer if she could join me?

P.O. CARACAPPA:

Legislator Carpenter.

LEG. ALDEN:

Up until the redistricting, which occurred last year, a very well known light heavy•weight champion of the world actually created a boxing environment for kids. He did more than that. They do a lot of tutoring. They provide a refuge from the world and a lot of advice and good strong counseling. And I'd like to ask Louie _Levitt_ to come on forward and bring some of his fighters.

We have some people that •• now, Louie's been training these kids, and it's not just tutoring, but he's also been training them in the skills of boxing. We have a Junior Olympic, we have three champions, and we also have one champion that was Adam _Willet_ . He actually is a gold medalist and •• in the Empire State Games. So, unfortunately, now Louie's boxing clinic is not in my district anymore, it's in Angie Carpenter's district, so that's why I've asked Angie to come up and just join me in the awarding and just celebrating these young gentlemen's achievements, which it's fantastic.

The amount of work that you guys have to put in, it's mind•boggling. And I can't say enough to, you know, congratulate you on the hard work and effort that you did. And that's •• you're a champion, right?

MR. WILLET:

Yes.

LEG. ALDEN:

Absolutely.

MR. WILLET:

That's my belt.

LEG. ALDEN:

Congratulations, guys.

(Applause)

D.P.O. CARPENTER:

Well, I just want to offer my congratulations also, and know how dedicated Lou is to this endeavor. He really puts his whole heart into everything that he does and I think it shows. Congratulations to all of you.

LEG. ALDEN:

Thanks Angie.

(Applause)

Thanks Joe.

P.O. CARACAPPA:

Thank you very much, and congratulations, everyone. I'd like to now recognize Deputy Presiding Officer Angie Carpenter for the purposes of a proclamation.

D.P.O. CARPENTER:

Thank you. And one good turn deserves another, so I would like to ask Legislator Alden, since it's not his district any longer, but it was, and also Legislator Ricardo Montano to join me as we recognize the Brentwood School District. And I felt it was very, very fitting, especially with some of the negative publicity that has been surrounding some school districts on Long Island, I think it's important for us, whenever there are those that are doing the right thing and that have shown achievement, that we stop and recognize them, and certainly the Brentwood School District is one of them.

The Brentwood School District, in the face of a lot of adversity, first of all, it's one of the largest school districts and has the largest population of special ed children, unfortunately, had the

dubious distinction of having some very, very low test scores. But because of a lot of hard work and with the leadership of the Superintendent of Schools, Les Black, and I would ask Les and the Principals to come forward and join us, they came out, and there was a report in Newsday, and I don't know if any of you noticed them, but in both math and English, every single time, first place went to the Brentwood School District. So, I really believe that that needs to be recognized for showing that they were the most improved schools in all of Suffolk County.

(Applause)

LEG. ALDEN:

A special congratulations to Mr. Black. I think he was written up as Educator of the Year.

D.P.O. CARPENTER:

Yes, we saw that in the paper Sunday. Congratulations for those honors. And I want to just read off the names of the Principals. Laura Alicastro from Hemlock Pines, Irma Colon from Oak Park, Aurelia Henriques from Loretta Park, Marilyn Ituarte from Southwest Elementary, Ken McWhirter from Laurel Park, Patrick Morris from North Elementary, Robert McCarthy from Twin Pines, and Ann Weishahn from Northeast Elementary. Congratulations to all of you.

(Applause)

LEG. ALDEN:

Speech, speech.

MR. BLACK:

Just a word of thanks to everyone. And Angie said it right, too often we're in the spotlight for negative things and it's nice to be recognized for something positive. There are so many wonderful people who work in our district, and the results they've been getting are, fortunately, if you plotted them on a graph, they'd go straight up. And we're very proud of the job that they're doing and very pleased to be recognized for that.

And, in addition, by the way, to our Principals, and there are two other people I would just like to introduce, our Assistant Superintendent for Elementary Education, _Christie Todaldi_ , and the President of our Board of Education, Mr. George _Tally_ , both of whom are very key in terms of giving us the resources and the direction to achieve the kind of results we've had. So,

again, thank you all very, very much.

(Applause)

P.O. CARACAPPA:

Thank you.

LEG. MONTANO:

Yes. Thank you, Legislator Carpenter. I also want to extend my congratulations to the Brentwood School District, the Superintendent, and the awardees today. Not only do I now represent Brentwood, I also attended Brentwood High School when I was a young man.

(Applause)

So, it's a special honor and privilege to be here today, and I think that we are moving forward. We have a lot of work to do, but I think that joining forces and working cooperatively will get all that work done and will bring Brentwood •• because I certainly got a good education from Brentwood, and I know that offers a good education to all the people in the school district. Thanks a lot. Congratulations, and we'll be working together. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you, everyone, and congratulations. Legislator Carpenter, I guess we'll just skip over the EMS things for now.

D.P.O. CARPENTER:

I'll be right back.

P.O. CARACAPPA:

Okay. Take your time. We'll go to public portion. Just so the public knows, you have three minutes to conclude your comments. This is not a question and answer period. The three minutes is solely for you to get your point across to us as the Legislature. We will interrupt the public portion in a minute to go back to one final presentation, but let's get started in the

meantime. First speaker is Robert McMillan.

MR. MC MILLAN:

Distinguished members of the Legislature, all, I'm very pleased to be here to be supportive of the nomination or confirmation of Jim Morgo to be the Commissioner of Economic Development.

A little history. I first got to know Jim in 1986, or around that period, and as plans developed for the Long Island Housing Partnership, I felt he was the right person to be the CEO of that organization. And he will be great in the position for Commissioner of Economic Development, and I know later on, perhaps even the Housing.

Let me briefly explain my feelings. I don't care what job you have, when your heart and your mind come together in the job and the effort, it makes all the difference in the world. It makes a difference in your own life, it makes a difference in the lives of everyone you work with.

Next, I would say that Jim has outstanding character, outstanding integrity, he gets the job done, he works well with people, he knows the business community, and he certainly knows housing. He is the right person for this job at this time.

Let me close with one thing that Jim and I have constantly joked about. I know Bill Lindsay has heard this before. And we paraphrase Fiorello LaGuardia when he said, referring to garbage, we changed it, there is no Republican or Democratic way to build workforce housing. And I might add, at this time, there's no way, in terms of being a Republican or a Democrat to encourage business development in Suffolk County. I urge you to be supportive of Jim Morgo for this position. Thank you.

P.O. CARACAPPA:

Thank you, Mr. McMillan. Next speaker, Donna Periconi.

MS. PERICONI:

Thank you. My name is Donna DeLuca Periconi. I am with the Chamber of Commerce of Greater Bay Shore, and with the Bay Shore Business Improvement District. I have stood before you on other occasions to seek your support for efforts that would help revitalize my community of Bay Shore. Today I come before you again on behalf of Bay Shore and on behalf of every

other community in Suffolk County to ask you to confirm Jim Morgo as Suffolk's new Economic Development Commissioner.

We in Bay Shore are very proud of our remarkable comeback. It has taken us many years of tireless work, but we have done it, and it has come because of the efforts of many people. Jim Morgo is one of them. With the Long Island Housing Partnership, he has turned blighted areas in Bay Shore into shining properties with pretty homes and backyards. He turned Smith Avenue, a depressed, crime and drug•ridden street adjacent to the downtown into a beautiful affordable housing complex called Southwind Village.

Since 1997, I have worked closely with Jim Morgo to see this project and others come to completion. I know him well now. He is intelligent, he's innovative, he's hard working, he's forthright, he's effective, and most important, he is a man of integrity. He may not live in Bay Shore, but we consider him an honorary citizen. He has earned the respect and the appreciation of all of us. I for one look forward to working with him in this important position.

With Jim leading the Economic Development Commission, everything becomes possible. He will give us new policies and programs that will bring positive changes and real opportunities to our communities. Jim Morgo's appointment will bring a new energy, an excitement to Suffolk County. It will give those of us who live here, who work here hope and confidence in the direction our County will be taking in the future. Thank you.

P.O. CARACAPPA:

Thank you very much. Next speaker, Deborah Felber.

MS. FELBER:

Good afternoon.

P.O. CARACAPPA:

Hello, Deborah.

MS. FELBER:

Good afternoon. Hi, Joe. Good afternoon, everyone. Thank you for the opportunity to speak. The Assistant Director of Parents for Megan's Law and I'm here today to make a statement for

Laura Ahearn, our Executive Director, who is unable to attend. She's in a Crimes Against Children's Conference in Dallas, so she would not be here today.

Parents for Megan's Law fully supports the passage of Resolution 1688, introduced by Legislator Crecca, which establishes a procedure to seizure and forfeit property used by children pornography in connection with the creation, possession, sale or distribution of child pornography in Suffolk.

The production of child pornography requires an act of child abuse, sexual abuse. Child pornography has come increasingly available as it has migrated from magazines to photographs, videos, onto computers, and ultimately now onto the internet. Rapidly changing technology has made accessing, trading disseminating child pornography easy and profitable for trackers.

The worldwide distribution of child pornography often makes it difficult for law enforcement to find the original location of the abuse, and, unfortunately, the child victim who was abused. Sadly, according to the Polaris Project, missing and runaway children who are reported in one part of the world often end up in pornography materials that are distributed on to multiple countries.

Child pornography traffickers and pedophiles lure children into pornographic •• with many of the same recruitments and mind control techniques that are used in child prostitution. They may use the techniques that are used in prostitution on the internet to develop relationships, and they methodically groom children ultimately to exploit them through pornography. Children exploited for pornography are drugged and abused during sexual acts, and threatened using physical violence and shame to silence them.

Victims of child pornography are also haunted by another reality. The graphic images of their sexual victimization may be •• may have been reproduced and may be disseminated throughout the world through the use of the internet. We must rely upon our government to pass strong laws to prevent this from happening. Passage of this law would ensure a sound procedure in place to seize and forfeit property used by child pornographers in connection with the creation, possession, sale or distribution of child pornography in Suffolk. Thank you.

P.O. CARACAPPA:

Thank you, Ms. Felber. We appreciate your statement. Okay. We just go in •• okay. One more speaker and we'll go back to our final presentation. Susan Harder.

MS. HARDER:

These are some handouts.

MR. BARTON:

Thank you.

MS. HARDER:

Hi. I'm Susan Harder. I'm a Dark Sky advocate. I'm from East Hampton, and I'm here grateful that you are considering a regulation which will require shielded outdoor lighting.

The Dark Sky Society supports educational and Legislative efforts to eliminate light pollution, light pollution being glare, light trespass, and uplighting, which contributes to the sky glow by unshielded, misplaced, excessive or unnecessary outdoor night lighting.

My thanks to our former Supervisor, now our Legislator, Jay Schneiderman, the bill's sponsor, and to the cosponsor, Legislator Cooper. Legislator Cooper helped us develop the Citizens Energy Plan for Long Island, which included a recommendation for shielded lighting for all of the municipalities on Long Island.

It makes sense for Suffolk County to conform their own facilities, which are located throughout our communities, to the local town and village standards for outdoor lighting. Our own communities have and are in the process of writing laws which require shielded lighting for their own municipal facilities and for all site plan approvals.

Suffolk County can share in the savings afforded by shielded lighting, savings of electrical energy, and the saving of the environment of our land and sky with appropriate use of outdoor lighting. Shielded lighting also provides for better visibility due to the reduction of disabling glare from unshielded light sources.

There have been sufficient advancements in outdoor lighting fixtures, as well as outdoor lighting standards, to afford substantial savings for a program of retrofits, which we do hope that the

County will institute. And I'll show you an example of an energy saving and dark sky friendly light fixture right here. As you can see, the light source is shielded, and up inside you have refractors which reflect the light down and out. This replaces 300 watts of incandescent with 23 watts of compact florescent, lighting the same ground safely and efficiently.

The benefits of the law that you are contemplating are many, including a safer environment at night for humans and for natural flora and fauna. Emerging every month are studies proving increasing detriments to human health and wildlife, including aquatic life, from excessive artificial night lighting.

While the specification of fully shielded may appear to be a common sense requirement for lighting, it is necessary in order to change the types of lighting used in the past, which abound throughout the County.

We applaud the Suffolk County Legislature for undertaking this important provision, one which will benefit every resident, business owner, and visitor to our end of Long Island. And I'll end with in our public libraries, there's a children's book that's just come out called "There Once Was a Sky Full of Stars", and it has a happy ending which reads, "But our sky full of stars that we've hidden from sight will once again truly be found when the glaring and blaring of each upward light is turned downward to shine on the ground." Thank you.

P.O. CARACAPPA:

Thank you very much. I'd like to go back to the final presentation to be made today. A few years back, a program was initiated by Deputy Presiding Officer Carpenter to recognize our Volunteer Firefighters and EMT's across the County. We do this annually now, and we do pick a •• dedicate a volunteer from each Legislative district, and we're going to read those names into the record tonight. And so, Legislator Carpenter, would you please?

D.P.O. CARPENTER:

Thank you. I'll try to go through this briefly, but I think it would be helpful for everyone here today to just see the depth of the commitment on the part of these volunteer firefighters and EMS workers that we have across this county.

From the First Legislative District, Legislator Caracciolo, the firefighter is Alvin Bartunek, who is a 93 year old resident of the Riverhead Fire Department. He has served on the Riverhead Fire

Department's Reliable Hose and Engine Company for 70 of its 100 years of existence. He became a member of the Reliables on July 16th, 1934.

From Legislator Schneiderman's district, the Second, James Ledogar, who's distinguished himself by responding to each and every call on which the Hampton Bays Corps has responded to in the last year. Southampton Town Emergency Services Advisory Committee joined with the Hampton Bays Volunteer Ambulance Corps in choosing Mr. Ledogar for this recognition because of the dedication he has shown to his company and to the citizens of his community.

From Peter O'Leary's district, Jim Vax, who's been a member of the Brookhaven Fire Department since 1988. He became Chief of the Department in 2004. His numerous certifications include PADI advanced scuba diver, ice rescue, National Wildland Red Card Firefighter, and New York State certified EMT. Jim is a past Dive Team leader and current member of the Water Rescue Team. He's Co•organizer of the Bay Area Maritime Search and Rescue, and a Fire Prevention Instructor.

From Legislator Caracappa, or the Presiding Officer Caracappa's district, John Moos, who's a member of the Ronkonkoma Department, who is being recognized for his outstanding commitment to safeguarding the community for the past 25 years. Over the years, he has been an active member who has held many positions in the department, including Lieutenant and Captain.

From Legislator Vivian Vilorio Fisher's district, we have Anthony Parlatore, who is a Commissioner of the Setauket Fire Department.

From Legislator Daniel Losquadro's district, we have Dan Marstellar, who's with the Middle Island Fire Department who is the honoree for the district. He has served many years in the Middle Island Department, consistently has a high response to calls, and was instrumental in obtaining supplies and building a three•story training tower for the Department.

From Legislator Lindsay's district, we have Joel Vetter. He is the nominee for Firefighter recognition for his accomplishments. He's Deputy Chief of the Holbrook Fire Department, and Joel has utilized his expertise and experience to develop a regional ambulance response system, which greatly improves ambulance response times. And he, too, made a presentation to the

Public Safety Committee last week.

From the Ninth District, Ricardo Montano's district, we have Charles Doyle. He is the volunteer from the district who •• he is a Chief from the Central Islip Fire Department. He has been recognized as a volunteer firefighter many times, and he's been a firefighter for over 23 years. Chief Doyle, a dedicated community volunteer, saved the life of a Central Islip male youth on July 15th of this year.

From Legislator Alden's district, Vincent Plotino, who is the Fireman of the Year. He is a Captain of the East Islip Volunteer Department. And earlier this year, Captain Plotino was responsible for saving the life of a woman in cardiac arrest.

From the Eleventh Legislative District, we have a combined 100 years of service. Norma Vetter, who has been a 50•year veteran with the West Islip Fire Department Ladies Auxiliary, and George Reilly, who is a 50•year plus veteran of the West Islip Fire Department.

From Legislator Andrew Crecca's district, we have Rebecca Marcus, who's presently serving on both the Hauppauge and the Commack Volunteer Ambulance Corps, and she's also with Central Islip•Hauppauge as an EMT driver, and Chairman of the Youth Squad. She will graduate from Suffolk County Community College with an Associates degree in Fire Protection Technology, and will begin her training in the New York Police Department Academy in January of next year. Nice to see a graduate from the Community College on this very special day for the College.

Legislator Elie Mystal is recognizing George Miller from the Fifteenth District. He is with the Amityville Fire Department. George has demonstrated his bravery and service to the community by rescuing two people from a burning building in Lindenhurst.

Legislator Allan Binder's district, he is recognizing Mark Levee. Mark Levee is a trained EMT volunteer at the Greenlawn Department. Mark is 70 years young and is a recent member of the Department. He previously served as a member of the Valley Stream Fire Department. The Chief has had to say this about the volunteer, that "Mark was of the first person to come to mind when asking for an honoree. He has no problem meeting quota or answering calls and is a true gentleman." Just goes to show that seniors do have a lot to contribute.

From Legislator Paul Tonna's district, we have Peter Granelle. They would like to honor Peter,

who is a Fire Commissioner from the Deer Park Fire Department. Peter has been an active volunteer firefighter for over 20 years.

And the last honoree we're recognizing today is from Legislator Jonathan Cooper's district and it's Gregg Ancewicz. His selection is the Chief of the Greenlawn Fire Department who comes from a family of firemen. He and his wife, Thea, have three small boys, who also aspire to follow their father into a life of community service. He was elected Chief by unprecedented margins and has worked hard to foster communication, cooperation between his department and those that surround Greenlawn. He has received numerous awards and accolades for his hard work and dedication to his community, and his leadership and compassionate response to the residents in need and is their choice of Volunteer Firefighter or EMS Volunteer of the Year.

I think we can be proud of all of these outstanding, exemplary citizens of this great County of ours. Congratulations to all.

(Applause)

P.O. CARACAPPA:

Each and every one of those mentioned will receive a proclamation either at the district office of the respective Legislators, or at the Department for which those men and women come from. So, they will be honored properly, as they should be. Going back to the public portion, next speaker is Gary Citro.

MR. CITRO:

Good afternoon. I'm also speaking in support of Resolution 1574, which is the light pollution •• which seeks to reduce light pollution in Suffolk County•owned facilities.

I want to thank Republican, Jay Schneiderman, and cosponsor, Democrat, Jon Cooper for all the work that they've done on this, and they've shown once again that this is a bipartisan issue. Just like we see at the State level, where we have a Liberal Democrat, Pete Grannis sponsoring light pollution legislation, cosponsored by two Conservative Republicans, initially Michael Balboni, and now Senator Carl Marcellino.

No one likes energy waste, no one likes their taxes •• their tax money wasted, and this bill goes

towards reducing waste by using fully shielded fixtures throughout the County in all County Facilities. And, hopefully, that kind of idea will be extended throughout Long Island.

I was introduced to this issue as an astronomer. I'm an amateur astronomer and I represent hundreds and hundreds of amateur astronomers on Long Island, and also thousand throughout the country, but everyone can enjoy a beautiful night sky. I've noticed the night sky deteriorate over the course of just the last five years over Long Island. It's very difficult. If you look at a satellite photograph of Long Island, you see just huge globs of light, and if you want to escape it, you pretty much have to go all the way to the East End. So, this is a problem that we can solve, unlike other types of pollution, like water pollution where you might have to dredge the Hudson, and so forth, and spend millions and millions of dollars. We can actually save money while we restore the night sky and try it get it back to the way it was thousands of years ago, and the way it was when the slaves followed the Big Dipper north. Many parts of Long Island you can't see the Big Dipper at all anymore, so you're not going to know where north is, if you're using the stars to get you there.

The light pollution issue is in this month's issue of Night Sky Magazine. It's always been the bane of many astronomers. Now, I said that that's how I was introduced to the issue, but that got me aware of what good lighting is and what bad lighting is, and I've seen enough bad lighting and know the consequences of bad lighting, the glare that gets in your eyes when you're trying to drive at night, the overall poor appearance of your community because of all the light blight. An ATM law that came into effect where rather than lighting the ATM sensibly, there are just big globs of glare that make it easier for criminals to do their activities. Good lighting promotes safety for pedestrians, for drivers, it promotes better security.

We are •• never have asked to eliminate lighting that is necessary, we've only asked to aim the light to the ground where it's needed, put in lights there at the wattage that's needed and not more, and to eliminate the glare. LIPA has done that. LIPA now only installs full cutoff fixtures, which are flat lens fixtures that shine to the ground. They've been running ads in Newsday about that. So, again, I would like to thank all of you for that.

P.O. CARACAPPA:

Thank you very much.

(Applause)

Next speaker is the Honorable Patricia Eddington, New York State Assemblywoman from the Third District.

ASSEMBLYWOMAN EDDINGTON:

Good afternoon. Thank you. Assemblymember Englebright and I got extremely bored not being in session in Albany, so we thought we'd come and say hello.

LEG. VILORIA • FISHER:

Welcome.

ASSEMBLYWOMAN EDDINGTON:

Thank you. I'm here today to talk against the resolution for expanding the Starlight Properties, in particular, the resolution to permit construction of two tap through the property owned by Starlight Properties, located in Yaphank, the Town of Brookhaven.

Apparently, this was voted on in the past. The deed recites that the grantor of Starlight Properties conveys to the County forever the development rights by which is meant the permanent legal interest and right to authorized •• as authorized by Section 247 of the New York State General Municipal Law.

The General Municipal Law and the Bill of Environmental Rights is as set forth in the Suffolk County Charter, together with the right to prohibit or restrict the use of the premises for any other purposes other than the preservation of open space.

The deed also states the development of any kind in the deeded area is prohibited, including construction of service, vehicular or fire roads. The deed additionally contains a covenant by Starlight Properties not to use the premises on and after the date of the instrument for any purposes. So, for me, it's really hard to understand what •• you know, what's so difficult to understand about the forever the development rights given to the County.

The resolution was subsequently amended and provided for the granting of an easement to the Town of Brookhaven for the tap roads, and I guess I don't understand why. This is •• you know, this is obviously a contradiction to the preservation of open space that Suffolk County

and this Legislative body has been proposing and supporting for quite sometime, so •• and this, again, is the encroachment on the promise of open space and the commitment to the district that I represent in the Yaphank area in the Third Assembly District.

So, I would also like to say that the Medford and Taxpayers Civic Association in the area that I represent is also opposed to this resolution. We've been around when there was no buffer zone and the fireworks factory had exploded, and homes were very much affected by that years ago. We would like that buffer zone to continue to be there, because, obviously, it is an extremely dangerous precedent. So, I would urge this body to vote no on this resolution. Thank you very much.

P.O. CARACAPPA:

Thank you Assemblywoman. The Honorable Steven Englebright, Assemblyman from the Fourth Assembly District, I believe.

ASSEMBLYMAN ENGLEBRIGHT:

You have that correct, and it's very nice to be back. I couldn't stay away, as Pat indicated. We were in session until last weekend, and when I heard that you were in session, I couldn't help but come down here, and just to walk across the lobby gave me an indication of what fun lies ahead for you this evening.

D.P.O. CARPENTER:

We know you're jealous.

LEG. CRECCA:

You've been here before, haven't you?

ASSEMBLYMAN ENGLEBRIGHT:

It's very nice to be back. And I was sitting on your side of the horseshoe in 1985, when we dealt with a very, very difficult issue. There had been a terrible explosion that had occurred the year prior and the Grucci Family was seeking to relocate. They had purchased property in the heart of the Manorville Hills in the Pine Barrens, almost two miles from a paved road. They wanted to pave a road into the middle of the wildest most pristine drinking water area of the whole county, and I found myself in the uncomfortable position of having to go out and oppose

the Grucci Family, which I did on numerous occasions in meetings in all of the east end towns and many of the west end towns.

Out of that conflict came a compromise, and that compromise is one that I helped hammer out, and it was a very delicately balanced compromise. It was transferring about 130 acres in the Manorville Hills, plus \$50,000, plus other considerations, in exchange for property that the County owned, pristine Pine Barrens property in Yaphank. That property, because of its beautiful condition, we were very resistant to the idea of transferring it. We thought it was ideal for nature preserve designation. Part of the compromise was to take one-third of that 89 acre property, 30 acres, and, in fact, take the development rights and place those development rights into the County nature preserve. And so, as I say, it was a very delicate arrangement.

Mr. Grucci stood where I stand now and promised us that, to the extent possible, there would be minimal disturbance of vegetation. He showed us maps from where I stand now, showing that there would only be little bites out of the vegetation, and that they would use it for their family, and their family was going to invest into our community, and further, they were going to stay here in Suffolk County. Well, you know what's happened, they've left, they've gone to South Carolina, I think, they're not here any longer. And some of you may be aware that within six months of their taking title to the property, they bulldozed edge to edge up to the 30-acre buffer, and then they mined it in a very controversial extraction of sand that involved sale of some of that sand, we think, to the Town of Brookhaven.

Here we are, several years later, and we're being asked to go along with the idea of shifting this property over to the Town of Brookhaven. I have to tell you, if you've been reading the papers, there's a lot of question marks that arise in terms of land being shifted around in the Town of Brookhaven these days.

I'll go further. In 1985 and '86, when I was the Chair of the Parks Committee, we put into place the beginning of major public investment into open space protection and preservation. We took thousands of acres that had come to the County through tax default, and through other arrangements such as this, and we moved them over and made them parkland, and today, almost one-third of the Suffolk County park system has come from that source at no expense to the taxpayers. What this resolution would do is make a gift of a portion of the Suffolk County park system to private individuals after it's been laundered through the Town of

Brookhaven.

P.O. CARACAPPA:

Assemblyman Englebright.

ASSEMBLYMAN ENGLEBRIGHT:

I don't think that that's appropriate. I know I'm over my time, Mr. Presiding Officer. I don't think it's appropriate. I think it's •• I'll summarize by saying I think it's contradictory with the good intentions of this Legislature and the Legislature of the Town of Brookhaven to sponsor acquisition for protection.

There's a 100 million dollar bond act being put forward by the Town, there's one being put forward by yourselves. This resolution contradicts that good intent. Please, don't have a mixed message, and remain consistent with your protection of the Suffolk County Parks Nature Preserve System. And I thank you very much.

P.O. CARACAPPA:

Thank you very much. Gail Clyma.

MS. CLYMA:

I, too, am here to speak in support of Resolution 1574, sponsored by Legislators Schneiderman and Cooper. This bill will begin to curb light pollution in Suffolk County by requiring the County to use only fully shielded fixtures for new and replacement outdoor lighting at its own buildings, parking lots, and other facilities.

You've heard many reasons why we must begin to reduce light pollution. Money and energy are being wasted. Light trespass is invading residents' yards and homes, and the stars are being washed out of the nighttime sky by misdirected light escaping uselessly upward.

Furthermore, light pollution is harmful to the environment in ways that we are only beginning to understand. For example, migrating birds accustomed to navigating by the stars crash into illuminated skyscrapers and die, more than 100 million of them a year by some estimates. Sea turtles, many species of which are endangered, become confused by shoreline lighting, and are unable to make their way back into the ocean after hatching on the beach. Light falling on lakes has been found to curtail the activity of plankton, potentially leading to increased blooms

of algae on which the plankton feed. Declining numbers of salmon in a river in Washington were found to be the result of nighttime lighting that made the baby salmon easier for predators to see. A biologist studying nocturnal frogs discovered that when nearby stadium lighting was on, the frogs stopped calling and mating.

Research in this area is still in its infancy, but the results should not surprise us if we keep in mind that dark is the natural and normal state of the world at night. All the creatures now on the planet has developed over the eons by adapting to a world that is bright in the daytime and truly dark at night. I might add that we ignore that truth at our own peril.

I was very interested in this flier that you have in the reception area out here listing Suffolk County's many groundbreaking pieces of light •• of legislation. I hope you will vote in support of 1574 and add this to the list, so that Suffolk can again be a model for other counties around the state. Thank you. I have some articles here with a little more information about environmental impacts.

P.O. CARACAPPA:

Thank you very much. Next speaker is Alan Stadler.

MR. STADLER:

Okay. Dear esteemed Suffolk County Legislature, I, on behalf of the Long Island Sierra Club, want you to know that we support Jay Schneiderman's and Jon Cooper's Resolution 1574.

I am the individual who initially made the Long Island Sierra Club aware of the perils of light pollution. Light pollution is a serious issue on Long Island and other developed areas in towns across our great country. Aside from wasting energy •• by the way, 30% of all uplighting is wasted energy. Misdirected light can reduce •• can confuse wildlife and migrating words, intrude into people's homes, causing health problems, and destroy the beauty of the natural night sky.

Suffolk County now has a chance to do something to effect a change. This resolution, if passed, would replace all the inefficient fixtures as the need arises, and require the installation of new lighting to have fully shielded fixtures. It would cover all County•owned facilities, as well as the roadways. More efficient lighting not only saves energy, but reduces greenhouse emissions. We

feel it is a step in the right direction, and as many other bills that were born in Suffolk County, would set an example for other counties across New York State to follow.

The Long Island Sierra Club takes this matter seriously enough to have a section of our website devoted to light pollution. And recently, LIPA was granted permission to link to our website under their light pollution program. In our Summer 2004 newsletter, we also ran an article on the subject. Please, sign this resolution into law. Thank you.

And a personal note from myself. I live in Ridge. Within this intrinsically dark rural environment, the perils of light pollution have dramatically and forever altered the once natural, tranquil, and peaceful nighttime landscape to disorder and chaos. The perils of unnecessary frenzied light pollution are destroying our quality of life, the once charming landscapes we chose to reside on. Adding insult to injury, light pollution does, does devalue property values, just as other forms of pollutions do. In the accounting trade, this is recognized as external obsolescence. To homeowner, this is recognized as a theft.

Thanks to the foresight and good sense of our esteemed Suffolk County Legislature, protection from these ravages of light pollution may only be a matter away.

The Long Island Sierra Club, alongside numerous other local civics and environmental groups, support the control of light pollution by means of legislation. Our Honorable County Executive ought to sign the bill to protect its constituents, the environment, and the natural resources that we no longer could disregard and afford to take for granted.

P.O. CARACAPPA:

Mr. Stadler, could you just sum up?

MR. STADLER:

I'm going to finish up one more line.

P.O. CARACAPPA:

Thanks.

MR. STADLER:

Thank you. It's worth knowing that legislation, when incorporated with proper outdoor lighting

techniques, will save the County and taxpayers money.

We thank you for supporting Resolution 1574. With anticipation, New York State will follow your noble lead. Again, thank you.

P.O. CARACAPPA:

Thank you, sir. Joan Travan. I saw her.

AUDIENCE MEMBER:

She had to leave.

P.O. CARACAPPA:

Did she leave? Okay. She's from the Medford Taxpayers Association. Stephanie Glaser.

MS. GLASER:

Good afternoon. I represent the Long Island Two Day Walk to Fight Breast Cancer. First, I'd like to thank you all for your outstanding support of our inaugural event last year, particularly Legislator O'Leary who sponsored the resolution for us to use the parks last year, or actually this year, Legislator Carpenter for coming to our appreciation luncheon, Legislator Foley for attending our closing ceremonies.

The inaugural walk, which was in June of this year, raised \$290,000 for breast cancer support and service organizations and research here on Long Island. We would really like to ask your support again this year for the use of the Suffolk County parks on the weekend of June 2nd •• I'm sorry, that's the 3rd, 4th and 5th of 2005. We're hoping this year to attract 500 walkers and to raise close to a million dollars. That's Resolution Number 1753. We ask you to please pass that resolution and allow us the use of your parks again in 2005.

I've brought along some journals commemorating our walk for each of you, so that you can see what we accomplished in our first year, and what we hope to accomplish for the people suffering with breast cancer here on Long Island in the future. Thank you.

P.O. CARACAPPA:

Ms. Glaser, I'd like to just say on behalf of the entire Legislature, we'd like to commend and

congratulate you and your organization for the fine work that you've done.

MS. GLASER:

Thank you very much. And we couldn't have done it without the support of Suffolk County.

P.O. CARACAPPA:

Thank you. Next speaker is Kevin Peterman.

MR. PETERMAN:

Good afternoon. I'll try and make it brief. I'm just here to urge you to override the veto for the College budget. As you know, we were here two weeks ago, and we had 17 positive votes to give us a 4% increase. As I mentioned then, the last time we got an increase from the County was August of 2001. We're talking about a 4% increase that will help with additional scholarships, will help us give competitive salaries to some of our exempt employees. And I believe the organization the size of Suffolk, which has over 900 full•time employees and over fifteen hundred part•time employees, some of the salaries that we're talking about are certainly not excessive.

The College had an outside consultant come in three years ago, I think it was called a Hay Report, that strongly recommend that the salaries be increased. So, this was not done in any quick fashion or tried to do in any way that some of the rumors that I'm hearing that it was snuck in the budget, or what have you. This was thoughtfully researched and documented by an outside consultant. And as I mentioned two weeks ago, in a budget the size of Suffolk's almost 140 million dollar budget, to address the inequities for \$150,000 is something that's long overdue. And I urge you to override the veto and give us the 4% we desperately need. Thank you very much.

P.O. CARACAPPA:

Thank you, Kevin.

MR. PETERMAN:

Thank you.

P.O. CARACAPPA:

Appreciate it. Kelly Platt.

MS. PLATT:

Mr. Presiding Officer, my name is Kelly Platt, and I reside in Center Moriches. Joan Travan asked me to make a speech for her, but I don't want to reiterate exactly what Assemblyman Englebright and Eddington had said. So, I'm opposed to this application for the Starlight, Grucci, she's opposed to it, which is Joan Travan, and I'm asking for a complete denial of that application. Thank you.

P.O. CARACAPPA:

Thank you, Kelly. Edward Travagianti.

MR. TRAVAGLIANTI:

Good afternoon, everyone. It's a privilege to address you today in support of the affirmation of Jim Morgo as Commissioner of Economic Development and Workforce Housing. My platform and observation to make that very, very strong endorsement of his appointment is as a commercial banker here on Long Island for about 35 years, 32 of those at EAB, where I served as Chairman and CEO, and presently a banker as President of Commerce Bank. So, I've had a lot of interaction with him, including a five-year stint on the Board of the Long Island Housing Partnership, where I saw Jim lead with distinction, lead an organization that, while they're nonprofit, was a business. And I think that's a great distinction. I think the skills that he brings to the new proposed roll is one that he has exercised through his career. He's a person who's run a business, he's run it with compassion, he's run it with distinction, and maybe most importantly ran it with a passion, a passion I think he takes to his new role.

So, I certainly speak with a lot of personal and professional experience. Jim is a man of great character and capacity on both a personal and professional front, and he's someone that I would heartily recommend for appointment as the Commissioner. Thank you very much.

P.O. CARACAPPA:

Thank you, Ed. Pete Cheney.

MR. CHENEY:

Thank you very much. This is in regard to Resolution 1622. We are an elected committee representing 66 business owners, leasing cubical space and employing over 260 people, County

Center, Riverhead.

Originally, six years ago, we had a lottery, and since that time, any cubicle that became vacant was filled by a lottery. The most recent one was last year, 2003. The current resolution has expired, but it had proven to be economically beneficial and efficient to both the County of Suffolk and the taxpayers of Suffolk County. Last year, for example, we facilitated income and revenue in excess of 300 million dollars.

Any disruption in this process will severely disrupt County cash flow and cause undue hardship to the taxpayers of Suffolk County. They're already facing a large disruption due to building renovation and probable relocation.

We ask that you approve the amended resolution, 1622, presented by the County Executive. We ask that you continue this mutually beneficial relationship. Thank you for your time.

P.O. CARACAPPA:

Thank you, Mr. Cheney. John Ferrante.

MR. FERRANTE:

I also am here to speak in favor of 1622, also a member of the Committee, which represents the over 60 business and their employees affected by this pending resolution. We feel it is important that we speak here today to show our overwhelming support for this particular version of 1622.

Since the original resolution was adopted in 1997, it has worked flawlessly in allowing a symbiotic relationship to exist between the County Clerk's Office and the Title Examiners. There were two prior versions of the bill previously presented before the Legislature, at which time we appeared then and opposed them both. We opposed them because there were a few gray areas that would have adversely affected the successful relationship that has been fostered over the last six years. More specifically, it could have displaced some of the businesses, and certainly an interruption of the cash flow into the County Clerk's Office.

The 1997 resolution set up the framework and guidelines of a fair and equitable playing field for everyone. It has proven itself in the six years that it has been in effect. This proposed resolution picks up where the '97 resolution left off. It will ensure the continued mutually

beneficial relationship that started and has grown in the last six years.

In closing, we, the committee, and the 60•plus business owners and their employees that we represent, endorse Resolution 1622 and we ask that you would pass it here today. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Ferrante. Frank Sciulla. Sciulla? I apologize.

MR. SCIULLA:

That's okay. Good afternoon. My name is Frank Sciulla. I here •• I am also here in favor of Resolution 1622, establishing County policy on the cubicles in the Suffolk County Clerk's Office. There is currently no resolution in effect right now and there needs to be one put in place. The prior resolution worked well for both the County and the title industry and we'd like to see it continue. Thank you very much for your time.

P.O. CARACAPPA:

Thank you, Mr. Sciulla. Peter Elkowitz.

MR. ELKOWITZ:

Good afternoon. My name is Peter Elkowitz. I'm the Executive Vice President of the Long Island Housing Partnership. Presiding Officer Caracappa and distinguished members of the Legislature, thank you for allowing the Long Island Housing Partnership to comment on the Open Space bond referendum you'll be voting on later today.

The partnership strongly supports the bill. The Long Island Housing Partnership has advocated for affordable workforce housing for over 17 years. Over the last four years, the price of homes on Long Island has risen dramatically, over 81%. If we stop for a moment to analyze the situation, if we had to purchase at today's prices, many of us would not be able to afford the home we live in.

Our children cannot afford to stay on Long Island, and many do not return after college. We have seen the largest migration of young people off the Island between the ages of 20 and 34, 127,400 from 1990 to 2000, four times the national average. This is causing many economists •• this is what many economists call the "brain drain". Our workforce cannot afford to live

where they work, and local companies are having difficulties attracting employees because of the high cost of housing. This trend does not bode well for the economic future of Suffolk County.

We strongly support the preservation of open space for our environment. The beauty of our environment is what makes Long Island a wonderful place to live. However, in meeting our goals of preserving open space, we must not forget that we have to preserve our people and our families.

For many years, Suffolk County has been at the forefront in preservation, spending millions of dollars for land, and this bond will continue that great tradition. The County also recognizes that tremendous need for affordable housing. The Partnership believes that we should not pit one need against the other. They are not mutually exclusive.

Solutions can be found where every need is met in a fair and balanced way. The transfer of development rights portion of this bill does just that. The development rights will allow a higher density on land that is not environmentally sensitive, and that is good planning. The partnership supports the transfer of development rights addition to this bill.

The partnership respectfully requests that you look at the loss of our workforce and young families and how they're leaving the area will affect Suffolk County's economy. Preserve the seniors and the young families, so they can remain here in Suffolk County and build our economy together.

The Partnership also asks that you support resolution sponsored by Legislators Schneiderman and Montano to develop a housing needs assessment that will help develop a targeted approach to housing priorities.

Once again, the Long Island Housing Partnership thanks you for your support and your proactive efforts to help workforce housing. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Elkowitz. Bob Donnelly.

MR. DONNELLY:

Thank you for the opportunity to be here this afternoon. I'm Robert Donnelly, the Director of Information Services, and I'm here to ask your support for three previously tabled resolutions, 1728, 1781, and most importantly 1729, which is for the replacement of the County's firewall hardware. Indeed, that's one of those little things that happens in the background. Last year alone, it successfully stopped more than 300,000 virus attacks against the County's network. It is truly a critical piece of hardware and we need it.

I truly believe I understand the Legislature's concern about expenditures and controlling them, as well as bonding certain items. I would like to just clarify a few things in that regard. One, all three projects meet the 5•15 requirements. All three projects are completely separate from any other project in any other department and stand on their own merit. Lastly, they are all three crucial to the continued and efficient operation of information services in allowing us to provide the services that we provide to other departments.

I thank you for your consideration on these three projects, and respectfully request that you hopefully find the 14 votes necessary to move these projects along today. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. Donnelly. Ursula Monaco.

MR. URSULA:

My name is Ursula Monaco. I am requesting that this Legislative body not override the County Executive's veto concerning salary increases for certain administrators at SCCC. Instead of approving increases, this body should be doing its best to lower tuition.

There is no justification for increases of 13, 14 or 18% at a time tuition is skyrocketing. The cost of books is beyond belief, and students are being hit with increasing student fees that are never properly explained.

I am a returning adult student at the Grant Campus and I still don't know exactly what my tuition is going to be, but there seems to be no problem telling us what the salary increases are.

After calling the office of many members of this body this afternoon, I was told that I did not understand what this is about by some Aides, namely that this is not a raise, to which I stated, "I did not call it a raise, it is a salary increase of percentages that are unacceptable to the taxpayer of the County."

And I am well aware of the reasoning that Dr. Pippins mentioned at the last Legislative meeting. This begs the question, are these administrators deserving of increases to begin with? Case in point is the 14% increase for the Legal Affairs and Compliance Officer. I have been in contact with this person over the past few months regarding a desk that was removed from the western student press office. I sent a FOIL for the work order, and she wrote back that a work order is not covered under a FOIL. After a few more E•mails and phone calls, she tells me last week that she cannot locate the desk in that it was purchased with Association money. She is incorrect. The original money is student fee dollars given to the Association for distribution to student activities, athletics and other organizations at that are not covered under tuition. When this money is given to, as it was to the WSP, that money is considered WSP dollars, and to purchase what is needed. If she did her job correctly, then she would know that the desk was purchased in 1994 with the remaining money belonging to the WSP. How long is she at SCCC? She can't find the location of a simple desk and she is warranting an increase of 14%?

I am in total agreement with Legislator Alden, who voted against the increase at the last meeting. I would hope that this body agrees with him and looks more carefully into the giving of increases to administrators before saying yes. Thank you for your time.

P.O. CARACAPPA:

Thank you. Dr. Shirley Pippins.

DR. PIPPINS:

Good afternoon. I wish to use my three minutes to applaud the Legislature for its strategic analysis of the key issues and its bipartisan visionary investment in the future of the citizens of Suffolk County. The Legislature clearly recognizes the College as the cornerstone of people and economic development, a major source of high quality transfer education, continuing education, and flexible customized training for individuals and businesses, a life•transforming institution worthy of support.

Your support for the 4% increase in County allocation is vitally important to the College and students. The increase will reduce tuition for students and assist the College in providing state of the art learning environments and resources. For the students and the College, I thank you for your bold progressive steps and for your thoughtful consideration of this issue.

There has been much discussion about raises. I commend the Legislature for recognizing the issue is not raises for exempts, the issue is pay equity for the leadership of the largest multi-campus community college in the State of New York, serving over 21,000 students, an institution which has and wishes to continue to provide excellence, opportunity and access for the citizens of this County.

Exempt salaries had been an issue since the late 1980's, while adjustments, and I emphasize grade and step adjustments as distinct from cost of living increases. Adjustments were made for most County exempts in 2000. Exempts at Suffolk County Community College did not receive these adjustments. This exclusion helped create salary inequities at the College, making it very difficult to encourage the best and brightest to move up to leadership positions and making national recruitment virtually impossible.

The Board of Trustees selected by the Governor and the Legislature to serve as their representatives has made several attempts to address these inequities. The Board commissioned an independent salary study by the nationally recognized Hay Group. The Board has periodically pursued the suggestions of the Hay Group without success. Thus, we find ourselves here today.

There have been implications in the media suggesting the decision to reorganize the leadership team and include exempt salary adjustments in the budget are an unorthodox attempt at salary adjustments. Throughout all efforts to secure exempt pay equity, the College has followed County policy.

I will refer you to Resolution No. 618-2000, adopted by the Legislature and signed by the then County Executive, wherein the Legislature directed that exempt salary adjustments could not be made without, and I quote, "The explicit approval of the County Legislature, via duly executed resolution of the County of Suffolk", end of quote. I respectfully suggest that our actions and the Legislature's adoption of the College's budget is in keeping with this body's policy

statement.

The positions resulting from the reorganization were developed after careful study to enhance coordination and move the institution towards the one college concept prior our review by Middle States. Those assigned new positions were given broader responsibilities with no increase in compensation beyond increase requested for their original positions for a net savings of over \$50,000 after the proposed adjustments. Please, also note the data shows the College is frugal administratively but any standards, accounting for only 3.8% of the budget.

I thank the Legislature for the opportunity to again address you on this important College issue, and I commend you for providing a long overdue strategic fix for the College's budget.

After I spoke last time a gentleman sang. I can't sing, but with your indulgence, I would conclude with this commercial statement.

(A Video Presentation Was Made)

Thank you.

P.O. CARACAPPA:

Thank you very much.

(Applause)

Next speaker is Tom Breeden. Tom's going to sing for us.

MR. BREEDEN:

"Oh, say, can you see". You've heard the logic, I won't bore you again with the facts. I think you'll agree with me, as you labor through the night, with Winston Churchill who once said, "Democracy is a terrible form of government, it's just that it's better than all the others." You've always had the courage of standing up and doing the right thing. People have already attempted to punish you for doing the right thing. I'm certain they won't reward you if you change your mind.

I hope you will in a single vote overturn the County Executive's attempt to cut funding that you

have approved for the Community College, and I would hope it could be 18•0 this time and not 17 to one. Thank you very much.

P.O. CARACAPPA:

Thank you, Tom. Rose Ann Vita.

REVEREND VITA:

Thank you. I'm a Lutheran Clergy, a Pastor, and I thought you might like to hear what the clergy talk about when they get together. I am a Lutheran Pastor on the South Fork of Long Island in connection with the clerics in Southampton, East Hampton, on the North Shore. I've been part of the Long Island Council of Churches Board. I am also the President of the Long Island Organizing Network, and in that position as President, I had the privilege of attending a national conference of clergy in April. An African•American Pastor addressed us, and this is what clergy talk about when clergy get together.

In the African•American community, there's always an ongoing healthy insightful critique of the American society and the dynamics of power. Being black in America is a very good vantage point for objective critique of what's really going on in the country. Living in a nation where the Declaration of Independence left us in slavery, black folks know how to interpret the founding documents in light of their original intent. All men are created equal. The black translation, all white males with substantial land holdings, the inalienable right to live and to be free enough to pursue happiness. Living under the Constitution that allowed slave owners to count each slave as three•fifths of a person. To increase the political power of slaveocracy. Black folks know a little something about reading between the lines of language and seeing the original intent. And given our experience of oppression in America, we know the people are never intentionally •• unintentionally oppressed. Oppression is carried out by oppressive policy of advantage and disadvantage and the power dynamic of power and powerlessness. And where am I leading on this issue? I'm leading to the building of the maximum security prison in Yaphank. Let's look at the prison industrial complex in America. This industry is now traded on the New York Stock Exchange. The prison is now a money•making corporation stock exchange.

In the United States, with 5% of the world's population, it has in its jail over 25% of the world's incarcerated population. There are now over 2.2 million Americans incarcerated. African •Americans make up roughly 13% of the nations population, but they are 65% of the

incarcerated. Latinos make up another 20% of the nation's incarcerated. Black females are today the fastest growing demographic among the incarcerated. They're nearly tripling in number in the last ten years. One out of every three black males in America are in some stages of the criminal justice system, and 90% of those in jails and in prison are high school dropouts, 75% are non-violent drug offenders. Most of them never had a real chance. Most of them whose fathers were absent, three-fourths were below grade level by third grade. Since they could not read, they couldn't do social studies, they couldn't do math or science or any subject. They couldn't do school, so they sold drugs, or did drugs, or got caught in a system with uneven discriminatory drug sentencing laws.

P.O. CARACAPPA:

Reverend Vita, if you could just sum up, the time has expired. Thank you.

REVEREND VITA:

The sum-up is that clergy support treatment instead of prison. Clergy support education instead of incarceration. Stop crime by supporting Head Start and redirect the funds, the millions of dollars that are going to build a maximum security prison to building our future through education. Thank you.

P.O. CARACAPPA:

Thank you. Mary Kennedy.

MS. KENNEDY:

Hi. Well, I have never spoken here before, but I have a big problem. I am Huntington's number one criminal right now. I have never got a traffic ticket, I've never been accused of drinking, drugs, but because I own a certain piece of property near the Village of the Town of Huntington, I've been persecuted, hounded by my town government for the past seven years. I've spoken to many people, Town Board, reached out to Legislators, Senator, Congresspeople, all to no avail. I refuse to relinquish my property and be bullied into selling and moving. I've had four stipulations made up by the Town of Huntington and my own attorneys to force me to sell my property.

I'm going to make it very brief. If there is any human decent person on this board, Legislative whatever, I don't think any town government has the right to force me, manipulate documents, not look at my documents, and bully me for over seven years. I've been strong enough. I've

been terrorized. I've had a surgery in the hospital and I was left to die for three days. Another doctor saved me, told me to go to the ACLU. I couldn't get anyone to help me. I've been turned away at every turn.

I'm only one person. I don't have support, because the Town has ridiculed me so long, said I'm crazy, I'm sick. Yes, I am, I have some medical problems, but believe me, I'm not sick like they're trying to portray me. Even Judge Hackeling, who sentenced me criminally, said I was very articulate, and to a certain extent, he tried to be very fair to me. But this Town government and this new bill hail storm that was passed by the Town of Huntington two years ago, it is crucifying people.

Another gentleman 70 years old was put in prison. I've been threatened for the past year •• seven years of being put in prison. Believe me, I don't have to go to prison to feel prison. I am a prison within my own Town government. And there hasn't been one person that will come and stand, because these people that need my property to do their project are very powerful.

If there is any person out there that can do any form of justice, I'm asking you under my constitutional rights for somebody to help me. If they want to do something, let them knock on my front door and make me an offer, do something, but don't come and try and break in my back door. Thank you very much.

P.O. CARACAPPA:

Thank you. Denna Cohen.

LEG. COOPER:

Joe, I think she's here for the public hearing.

P.O. CARACAPPA:

I have a card. Ms. Cohen, are you here for the public hearing or the public portion, because there's a public hearing on this in just a little while, if you want to stick around for a public hearing. Yeah, why don't you come up and say your comments now, and so you don't have to stick around for the public hearing.

MS. COHEN:

Okay. Good evening. I'm sure most of you know I'm Denna Cohen, President of Mothers Against Drunk Driving and a victims advocate. I'm here to talk about the AWOL machine. As there are too few studies available at this time, MADD is not taking a position about the use of the machine, but as a mother of a child that was killed by a drunk driver, I can't imagine the anguish of a parent whose child was killed or injured by a person that has just used this machine.

The use of this machine causes an instant high, a buzz to the user. This can cause impairment that cannot be detected by the police upon a field sobriety test. Therefore, the user can get away with driving while intoxicated. There is no way to convict anyone of a crime when we can't prove that a crime has been committed. At this time, there's no legislation in place to stop the use of this machine.

I can see young people using this device as a party toy, a toy that will cause intoxication immediately. There have been some early studies that say this machine can cause brain damage, because you are bringing this directly to your brain. I can only hope that the user of this AWOL machine will be responsible enough not to drive after partaking in the use of this machine.

The marketing company is touting this as being low in carbs and calories. Can you just see what this might do to a young person with anorexia? "Now I can drink, and now I can get high, and now I'm not going to gain any weight."

Legislator Cooper is proposing legislation to ban AWOL in Suffolk County. I would say, please, help keep this device out of our County and hopefully out of use completely. This machine is not a toy. We have to take this seriously. The lives of people we love are at stake.

I thank you for allowing me this time to vent about a machine that I can seem absolutely no good coming out of.

This is my daughter Jody. She comes with me wherever I go. She was killed by a drunk driver 15 years ago. That is the reason for me being here today, so that none of you ever have to stand where I'm standing now and say, "Please, don't put another intoxicated person on the street." Thank you.

P.O. CARACAPPA:

Thank you, Ms. Cohen. I have no other cards for the public portion. I'll make a motion to close public portion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions? Public portion is now closed.

D.P.O. CARPENTER:

Mr. Chairman.

P.O. CARACAPPA:

Okay. We'll be going to the public hearing portion of the meeting in just a few minutes. We're just going to do a couple of bills. First, I'll make a motion to approve the **Consent Calendar**, but excluding **1696**, which needs to be tabled for corrections. So, motion to approve the Consent Calendar in its entirety, except 1696. A motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1696 (Amending Resolution No. 1145•2000, authorizing licensing agreement for beautification purposes in downtown Bay Shore). Motion to table by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

D.P.O. CARPENTER:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Carpenter.

D.P.O. CARPENTER:

I would just ask that while we have the representatives of the College here, that we might want to do the veto overrides right now.

P.O. CARACAPPA:

There's a motion to override the vetoes on the Community College budget.

We have ••

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. We have two of them. I'll make a motion to take them in its entirety.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? One opposition, Legislator Alden, two in Legislator Bishop.

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

Three. Three in its entirety.

LEG. CARACCILOLO:

Opposed.

P.O. CARACAPPA:

Four? Do we have that, Mr. Clerk? Legislator Caracciolo, Alden, Bishop and ••

LEG. BINDER:

Just roll call.

P.O. CARACAPPA:

And Binder. I just roll called it for the most part.

LEG. BINDER:

We're good.

P.O. CARACAPPA:

We're good. That's four against.

MR. BARTON:

Right.

P.O. CARACAPPA:

We'll take it in its entirety. There's a motion to override by Legislator ••

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

Legislator Carpenter, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. FOLEY:

Yes to override.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. CARACCILOLO:

No.

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

No.

LEG. TONNA:

(Not Present)

D.P.O. CARPENTER:

He's just stepping in, Mr. Clerk.

LEG. CRECCA:

Hold on, he's right here.

LEG. TONNA:

Yes to override.

LEG. CRECCA:

Say it again.

LEG. TONNA:

Yes to override.

MR. BARTON:

Got it. 16•2.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

The vetoes, the vetoes on the College budget are overridden.

LEG. TONNA:

I just told Levy I'm overriding, I've got to go.

P.O. CARACAPPA:

I recognize Legislator Lindsay.

LEG. LINDSAY:

Yes, Mr. Chairman. I'd like to make a motion that we take Resolution 1734 ••

D.P.O. CARPENTER:

Second.

LEG. LINDSAY:

•• out of order, which is the confirmation of James Morgo as our Economic ••

LEG. TONNA:

Second.

P.O. CARACAPPA:

What page is that?

LEG. VILORIA • FISHER:

What page is the bill?

D.P.O. CARPENTER:

It's the Economic Development.

P.O. CARACAPPA:

1734, Page 11.

D.P.O. CARPENTER:

Page 11.

P.O. CARACAPPA:

Second resolution in Economic Development. A motion by Legislator Lindsay to take **1734** *(Confirming appointment of County Commissioner of Economic Development (James Morgo))*, out of order, second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1734 is now before us. There's a motion to approve ••

LEG. TONNA:

Second.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

•• 1734 by Legislator Lindsay, second by Legislator Tonna and Carpenter. All in favor?

LEG. TONNA:

Wait, wait. On the motion.

P.O. CARACAPPA:

On the motion.

LEG. BISHOP:

Paul is very enthusiastic.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Jim, you're here, right? I just would like to just for the record say that you need your head

examined, all right? I think the people of Suffolk County are •• you know, we're in very good shape for having somebody with your qualifications, your capabilities and all of the other stuff. I think personally, though, and I think that's your wife next to you, I think you should have your head examined. And it's Mr. Levy's gain, but, you know, there is a good psych benefit, and so I think you should be utilizing it. Thank you.

P.O. CARACAPPA:

Legislator Tonna would know all about that psych benefit if anyone would.

LEG. TONNA:

Yes. After dealing with this Legislature, I think we all should probably get, you know, a good extra benefit.

P.O. CARACAPPA:

My appointment's next week. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Congratulations, Mr. Morgo, and welcome aboard.

D.P.O. CARPENTER:

Congratulations.

P.O. CARACAPPA:

We will now go to the public hearings. Motion •• there's a motion, just before we get to the public ••

LEG. CRECCA:

Light pollution.

P.O. CARACAPPA:

No, no. Legislator Schneiderman, what bill number is your light pollution bill?

LEG. SCHNEIDERMAN:

1574.

P.O. CARACAPPA:

1574. There's a motion to take ***1574 (A Local Law to reduce light pollution from County •owned facilities)*** out of order by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop. All in favor? Opposed? Abstentions?

P.O. CARACAPPA:

It's now before us. There's a motion by Legislator Schneiderman to approve, second by Legislator Cooper.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. TONNA:

This is just for County buildings?

P.O. CARACAPPA:

Yes. It's all prospective, not retro.

LEG. TONNA:

Oh, so it's for the future?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

We don't have to go and have a light analysis?

P.O. CARACAPPA:

No.

LEG. TONNA:

Okay.

LEG. LINDSAY:

It eliminates all glare.

LEG. TONNA:

All right.

LEG. LINDSAY:

Especially for bald•headed men.

P.O. CARACAPPA:

Is there a motion?

LEG. TONNA:

All I know is, Legislator Cooper, I can't believe I vote for this stuff. Okay. Thank you very much.

P.O. CARACAPPA:

You're welcome. There's a motion and second. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

18.

P.O. CARACAPPA:

Going to •• going to the public hearings. Just bear with me for a moment. Mr. Clerk, the affidavits of publication, they're in proper order and ready to go?

MR. BARTON:

No, actually they're not.

P.O. CARACAPPA:

Please, advise me as to ••

MR. BARTON:

1624, because it involves the Southwest Sewer District, I'm required to publish in the three town newspapers and we missed two of the towns, so that will have to be recessed until the next meeting. And then on 1834, I want to bring to your attention, I don't have an affidavit of publication, but I do have an affidavit of posting. It has been posted and the minimum requirements have been met.

P.O. CARACAPPA:

Thank you. Okay. So ***1236 is approving rates established for Davis Park Ferry.*** I have no cards. Anyone wishing to be heard?

LEG. FOLEY:

Motion to recess.

P.O. CARACAPPA:

Motion to recess by Legislator Foley. Is there a second?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? It's recessed.

1624 (Proposed increase and improvements of facilities for Sewer District No. 3 • Southwest). Motion to recess by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

1624 is recessed.

1693, a Local Law to require defibrillators in summer camps.

LEG. CARACCILO:

Motion to recess.

P.O. CARACAPPA:

I have two cards.

LEG. CARACCCIOLO:

You do?

P.O. CARACAPPA:

First speaker is George Rosales.

MR. ROSALES:

Thank you very much. Good afternoon, Presiding Officer Caracappa, Members of the Legislature. Thank you for giving me the opportunity to speak today. My name is George Rosales, I'm Legislative Director for the American Heart Association. I'm here to speak today in regards to Introductory Resolution 1693.

The American Heart Association supports legislation that requires day and overnight camps in Suffolk County to have on premises at least one automated external defibrillator, and shall have at least one person on duty who is trained in the use of an AED.

The American Heart Association supports efforts to provide immediate bystander early defibrillation for victims of sudden cardiac arrest. AED's represent a significant breakthrough for improving survival from out•of•hospital sudden cardiac arrest because, because lay rescuers can use them. Specifically, the American Heart Association supports this legislation for three key reasons. One, it will increase the number of trained lay rescuers; two, it will increase the

number of public places equipped with an automated external defibrillator; and, finally, it will enhance the emergency skills that every camp counselor is required to know, as per the New York State Medical Requirements for Children's Day Camps.

Presently, several camps in Suffolk County already have implemented their own public access defibrillators programs. At last count, more than ten camps throughout Suffolk County are currently equipped with these life•saving devices. In the past, the ability to defibrillate was solely in the hands of emergency medical personal. Unfortunately, quick emergency medical response isn't always available. The best way to give a victim of sudden cardiac arrest a fighting chance is to ensure that an AED and someone trained in its use is within minutes of the emergency event.

This legislation would strengthen the chain of survival and potentially increase the survival rates from sudden cardiac arrest in Suffolk County, and the American Heart Association urges its adoption. Thank you.

P.O. CARACAPPA:

Thank you very much, Mr. Rosales. Next speaker is Karen Acompora.

MS. ACOMPORA:

Hi.

P.O. CARACAPPA:

Good afternoon.

MS. ACOMPORA:

Thank you.

P.O. CARACAPPA:

Good evening.

MS. ACOMPORA:

Thank you. I thank you all for giving me this opportunity to speak. I've stood before you many times before and introduced you to my son, Louis. Louis was a Northport High School lacrosse

player and he was struck in the chest with a lacrosse ball. He died from _clordiocardis_ . Had a defibrillator been available to Louis right then and there, we know that Louis would be alive today.

Now the •• Mr. •• I couldn't say your name. Caracciolo, introduced legislation 1693 to put AED's in camps, that's an extension of the AED's in the schools. We now have 11 lives saved in the schools, and that's really something to be very proud of, and we'd really like for that to continue in our summer programs, and it only makes sense.

According to National Center for Early Defibrillation, 7,000 children die every year from sudden cardiac arrest. That doesn't mean that they just die in schools, that means it can happen anywhere. Sudden cardiac arrest means that it's sudden. It could be from a lacrosse ball, it could be from some underlying condition brought on by heat, brought on by athletics, you never know. And by having them in overnight camps and day camps, we could be saving more lives. And my husband would like to just speak for just two seconds.

MR. ACOMPORA:

First of all, thank you again for having us here. This has been a pet peeve of mine for the better part of four years since Louis passed away. I'm speaking of myself as a former lacrosse player my whole life, coach, coached Louis' team and his friends through the Athletic Association. And I wonder if this bill •• I'm hoping its in there, or if can be expanded upon. There are hundreds and hundreds of camps every summer just in Suffolk County alone, lacrosse camps, baseball camps, basketball camps, football camps, all kinds of camps, and they're profitable businesses to the people that are running them, and I think that's a wonderful thing. I'll give you an example.

Last year, I was driving up at Suffolk Community College and there was a lacrosse camp going on there in the summertime. There had to be more than 250 kids participating in this day summer camp, a five•day camp. And as I drove by, I said to myself, "My God, there are accidents waiting to happen." And if we put defibrillators in camps, which I think is wonderful, I am •• I want to see them everywhere, and I can't thank you enough for taking that stand and say, "Let's get them in camps." I think athletic camps should be considered maybe even more so, because they have contact sports, you have balls, you have children exerting themselves, it's hot, they don't drink properly. And I think if we can, please, put them into the athletic camps as well, it's something to consider. Thank you.

MS. ACOMPORA:

Thank you.

P.O. CARACAPPA:

Thank you both very much.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

I have no other cards. Legislator Caracciolo.

LEG. CARACCILO:

Yes. First, let me acknowledge the presence of the Acompora's. And as this Legislative body has before, under the sponsorship of Legislator Crecca, provided in public places and public schools for defibrillators, this bill just builds on that and would provide them in summer camps. And their suggestion, the bill will be amended to reflect athletic camps and those other activities where this unfortunate incident takes place among our youth. So, I make a motion to recess.

P.O. CARACAPPA:

There's a motion to recess by Legislator Caracciolo, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

D.P.O. CARPENTER:

Mr. Chairman.

P.O. CARACAPPA:

Public hearing 1693 is recessed. Legislator Carpenter.

D.P.O. CARPENTER:

I would just like to make a comment to the Acomporas. At the Community College where the camp that you speak of is being held, they do have defibrillators. But that still is a good point, because there are many other locations where these camps take place.

P.O. CARACAPPA:

Thank you. Moving on to the next public hearing, ***Public Hearing regarding 1736, which is consolidating the County's Affordable Housing Workforce Housing Programs and Community Development Agency within the renamed Department of Economic Development and Workforce Housing.*** I have a few cards. First speaker is Bob Wieboldt.

MR. WIEBOLDT:

Thank you, Mr. Presiding Officer and members of the Legislature. I'm here to support this very important enactment. I think it's more important than anything else because of the resolution you passed earlier appointing the •• Jim Morgo as the person in charge.

The interesting thing is that economic development and housing go hand in hand. LIBI has commissioned a study, which we'll have the results of very shortly, on exactly what the economic impact of housing of all types is in Suffolk County, and preliminary numbers suggest it's a couple of billion dollars and well over 15,000 employees in a given year.

The need for the economic growth of the County, in terms of its workforce, cannot be underestimated by any of us. We've seen instances of companies not being able to hire, to complete federal contracts, because they don't have affordable housing for their workforce. But more than that, if we ever look at the lousy 5,000 building starts we do in Suffolk County in a given year and just compare that to the numbers of high school graduates that we send out every year, what does that mean? We're saying congratulations, you graduated, and good •bye. I think that's an important realization, that we can't provide enough housing that can be afforded within a 10, 15, maybe even 20•year career pattern at prices young people can afford, so we're saying go somewhere else in the United States and contribute all you can to their economy.

Putting economics and housing together in the same agency under a dedicated guide is very, very important. The Long Island Builders Institute was a founding member of the Partnership, which Jim has run. We've worked very closely with them. In fact, we've built every single housing project the Partnership's has done. We think the County needs to get this program rolling. We've commended the Legislature earlier this year on taking steps to help reform the Housing Program. So, count us in the support of this resolution. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Wieboldt. Matthew Groneman.

MR. GRONEMAN:

Good evening, Presiding Officer. My name is Matthew Groneman, and I'm an Assistant Director for Government Affairs, the Long Island Association. I just want to voice our support for the consolidation of these departments. Suffolk County, as well as Long Island's, economies are linked to the availability of the housing of the citizens, especially for the young people who are going to be providing workforce for the Island in the future. We believe these consolidations can provide an efficient and coordinated approach to the housing problem.

Also, I just want to express our thanks to appointing Jim Morgo. We think he's going to do a great job. Thank you and have a good evening.

P.O. CARACAPPA:

Thank you very much. I have no other cards. Anyone else wishing to be heard on this matter? I make a motion to close, second by Legislator Lindsay. All in favor? Opposed? Abstentions? Public Hearing as it relates to 1736 is closed.

Moving on to ***Public Hearing 1702, to discuss a Local Law to prohibit the sale, purchase and use of Alcohol Without Liquid, otherwise known as the AWOL machine, or alcohol vapor devices in Suffolk County.*** I have a couple of cards. First speaker is Edward L. Olsen.

MR. OLSEN:

Good afternoon, Ladies and Gentlemen. My name is Ed Olsen. I'm the Director of an outpatient chemical dependency program in Nassau County, although I am a resident of Suffolk. I'm also the President of the Association for Addiction Professionals of New York, and an Adjunct Professor at SUNY at Suffolk Community College in the Chemical Dependency Counselor Program.

I'd like to voice the Association's protest against the machine coming into Suffolk County. As a matter of fact, people in my profession and my colleagues are now considering this a weapon of mass destruction. Quite honestly, people don't know what this machine is capable of doing.

I'm also a former respiratory therapist. I was the Director of Respiratory Therapy when there was a Smithtown General Hospital. When I saw this device on the AWOL's website, I looked at it and I said, "My God, that's the oxygen concentrator that was put out by Ohio Medical Products. This machine was originally intended to remove dangerous oxygen tanks from people's homes who needed a constant supply of oxygen. What this machine does is separate oxygen from ambient air, puts it into a collector tank, and delivers it to patients through those little nasal prongs. That was the original intention.

I spoke to a gentleman this afternoon at the New York State Licensing, Professional Licensing, who was part of the Respiratory Therapy and Nursing Division. He took a look at this thing on the website and he said, "My God, that device can be used only by a doctor's prescription," including the other device at the other end called a nebulizer, which is another medical device that can only be used by prescription. So, with that information, this whole hearing may be moot.

From an alcoholism and chemical dependency point of view, honestly, we have no idea what this machine will do. In beverage alcohol, there are chemicals called _cogners_, which are •• I mean, alcohol was only •• was only intended for use to be drunk as a beverage. We have no idea what these chemicals called _cogners_, which give alcohol its taste and its color, will do to the respiratory system.

In the discussion I had this afternoon with the Suffolk County Police Department's Breath Testing Unit, they have absolutely no idea how this machine and inhaling alcohol will correlate with doing breath testing for DWI's.

The other question that's brought up here is if one is using, for instance, Bicardi 151 Rum in this machine, what is the difference if they use something such as Seagrams 7 86 proof whiskey in the machine? No one has any idea at this point what the differences will be in levels of intoxication and in •• and affect on the individual.

So, as a result, I'm asking that we block this machine from coming into Suffolk County, at least until there is more medical research done on it as to what the effects are going to be with people.

The other thing is, if we're using a thing called an oxygen concentrator in a confined space in,

say, a bar or a catering hall, we've also got to remember that if we use oxygen in a small space, a spark, someone lighting a cigarette can cause a fire in that •• in that area; oxygen in and of itself is not flammable, but it accelerates fire. So I think there are a whole lot of things that we have to think about in connection to this AWOL machine.

As early as this afternoon I had spoken to some people in Albany, the Governor is very interested in what's going on with this machine, there is some buzz in the New York State Legislature concerning this. And there are some •• also some very big concerns on Capital Hill about this device coming in. So again, I would ask that we would ban this machine from being brought in to Suffolk County and hopefully down the road it coming in to the State altogether. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. Olsen. Next speaker is Dr. Michael Delman.

DR. DELMAN:

Thank you, Mr. Speaker. My name is Michael Delman, I am the Chief Medical Officer at Southside Hospital, Director of the Chemical Dependency Service and the Chief of Medicine, and I have been made aware of this machine only about for the last six weeks. But as an addiction professional, I'd like to reiterate some of the remarks of my predecessor here.

I can't find any socially redeeming value to a machine such as this. First of all, if we look at the nature of addiction which is a complex disease, there are certain things that predispose to addiction, one of those things is the speed and intensity of the drug to be delivered. To give you some idea of what that means, if you look at tranquilizers, we know that Xanax is an addictive agent because it's rapidly acting whereas Librium is not an addictive agent, not used by addicts because it has a slow onset of action. So as a result, if you look at alcohol, alcohol that you take by mouth is dependent upon the absorption from the stomach, how fast the stomach empties, whether or not you're drinking it with food, and this is different when you inhale it. When you inhale alcohol into your lungs, it's rapidly absorbed through the lungs and goes directly to the brain. It doesn't go through the liver, it does not go through the GI tract, it does not get changed, diluted, it just hits the brain in its unconcentrated form. And in fact, the manufacturers actually are banking on that, he tells you that you can get high faster on less alcohol, I'm not sure what the intent of that is.

If you look at the social effects of alcohol, which I think are probably valid for most people sitting here, if you walk into a room full of people that you don't know you feel a little bit shy, a little self conscious, you may go over to the bar, grab a drink of alcohol, maybe have a sip or two and now you find yourself able to communicate with the person next to you without feeling as bashful or as shy. It becomes a social event. Most Americans drink about two drinks in four hours, two bottles of beer, two glasses of wine with dinner, that's perfectly okay and perfectly safe. It seems to me sort of ridiculous to try and communicate with someone when you have either a mask over your face or a tube in your mouth and you're inhaling alcohol; I just don't see the point of it.

If we look at studies done initially on rodents where we had to induce them to drink alcohol by having them inhale the alcohol, we don't have to do that anymore, we taught them how to drink so rats have been trained to drink. But in actual fact, if we looked at the concentrations of alcohol in those rodents, we found that alcohol is toxic on the brain. There are two theories about that, one is the withdrawal of alcohol permits over regulation of systems that have otherwise been controlled; the second is that alcohol has a toxic effect. It's complicated, we don't know yet which way it goes, it may go both ways, in fact, probably does. But the fact of the matter is that most people don't get to the level of concentration of alcohol that chronic alcoholics get to, they can tolerate more and so they get higher doses of alcohol in their brain. We know that binge drinkers have the same problems with alcohol and we know that this kind of delivery system for alcohol can be toxic to the brain; again, we don't have enough information. And I agree that we will not be able, although it's less of an issue, be able to determine whether a patient who's been impaired as a result of inhaling alcohol would flunk a breathalyzer, that remains to be proven. From a chemical standpoint, they should not flunk the breathalyzer despite the fact that they're impaired by the alcohol because it requires less alcohol to make them impaired.

Lastly, if you look at figures in the State of New York for children entering the seventh grade, 30 to 35% of them, that includes Suffolk County children, have experimented with something other than tobacco or alcohol; most commonly, they have inhaled some sort of glue or other solvent in a paper bag. Kids like to inhale things, it's an easy way to do it. This is being touted as the perfect toy for parties. Well, guess what? I know that bar owners and bartenders won't serve to kids, but none of you here can tell me that you don't know cases where kids have gotten into their parents liquor supply or their parents other supplies of whatever else it is and

have not abused it. They will abuse it, this will make it easier for them to abuse because it's inhaled. So I would urge you again to take the same actions they've taken in parts of England and parts of Australia and ban this equipment from this County. Thank you.

P.O. CARACAPPA:

Thank you, Doctor. That was very informative, we appreciate it. The next speaker is Mary Kennedy. Ms. Kennedy, just pull that microphone down a hair. Thank you.

MS. KENNEDY:

Okay. I would like to speak about this machine. Every day you read in the newspaper so many people have been killed, young people, older people, speeding, people not paying attention to their driving, they're on the cell phone, distracted. My son about two months ago was in a massive car accident, he was hit from the rear because young people were using this section as a speedway. He got eight pints of blood. I don't know, all the investigation isn't in yet on alcohol level or whatever, but if this machine has not been tested and it can jeopardize any life, please, don't let this machine be used. If Australia, England, where I've lived in both countries, if they have passed it, and they're very, very strict, I would urge you to do the same. We're losing too many lives every day on our highway, every newspaper, every news •• evening news, somebody has been killed, somebody, and they drive away and they don't even stop anymore. Life has become just a way of life, just it's been almost taken for granted, it's accepted now almost. How many days, how many lives are lost? Don't use this machine until all studies are in because the dopamine in the brain, when you alter that either through coffee, even coffee, alcohol or drugs, scientists now have made studies and they can actually show pictures of what happens to the _dopamine_ in the brain and how it alters, and they don't even know yet what this machine will do. That's all I have to say. Thank you.

P.O. CARACAPPA:

Thank you so much. I have no other cards on this hearing. Anyone else wishing to be heard? Motion by Legislator Cooper to close? Legislator Cooper.

LEG. COOPER:

Mr. Presiding Officer, I just wanted to make a brief comment. I'm a little emotional, but as some of you may know, my 19 year old son, Daniel, and three of his friends were in a terrible car accident a couple of nights ago caused by a drunk driver. They were broad•sided by a van,

slammed into a utility pole. They're all okay, broken bones and stitches, but they came this close to being killed; it's a miracle that any of the kids survived. So, this bill meant a lot to me before, but now it's •• it has special meaning for me. I brought photos in of what's left of my son's car. So, anyway, I just wanted to thank you for letting me share that. And I make a motion to close this public hearing.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

There's a motion to close by Legislator Cooper, second by Legislator Foley. All in favor? Opposed? Abstentions? The hearing on 1702 is closed. And we thank God, Legislator Cooper, that your son and the passengers in that car are doing fine.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Moving on. ***1752, Public Hearing on a Charter Law to establish a County•wide policy for the protection of children from registered sex offenders.*** I have one card, Deborah Felber.

MS. FELBER:

Hi, again. Thank you again for giving me the opportunity to speak on behalf of Parents for Megan's Law. I'm reading a statement today for •• on behalf of Laura Ahearn. This is in regards to Resolution 1752 introduced by Legislator O'Leary, and it's in regards to the Suffolk County notification of Level II and Level III sex offenders.

Please be aware that there was an injunction that prevented police from notifying about certain registered sex offenders, but the law being proposed here does not conflict with that injunction, nor am I at any time during this statement addressing that class of offender who police have barred from disseminating information about. The Sex Offender Registration Act, which is Megan's Law, requires those convicted of identified offenses registered with the New York State Division of Criminal Justice Services. The law also requires that sex offenders are risk•level assessed to determine what risk they pose for reoffending. In the handouts that I hope you

just received, the first page of the packet, that is the risk level assessment instrument. The final level assessment determines how much information the State and the local law enforcement can release to the community. The risk assessment in front of you is a point system; here's how it works. The theory, as the severity of the crime increases, so does the number of points, if the number of points increased so does the risk level. Level III being the highest and Level I the lowest. As the risk level increases, so does the amount of information that the police can make available to the community. Local law enforcement is authorized by the State law to notify the community of Level II and Level III sex offenders. The amount of information they can release by risk level is also statutorily determined and is in your packet.

The State law does not require the police to release any information to the community but it has been the proactive policy of the Suffolk County Police Department to notify on all Level III's. However, we were informed that in the past there have been notifications on Level II's that not everything on Level II notifications have been brought out there. We support strongly passing this resolution because it would ensure the notifications, be implemented for all Level II's and Level III's.

Further, police are permitted to release an abundance of information on Level III's and Level II sex offenders that can help parents and community members who protect children. The information of Level III's can include the offender's previous address, his vehicles, tattoos and other identifying marks, aliases and even his employment address. Suffolk Police having extremely responsive to our community's need to implement notifications in a timely way and the passage of this resolution would also ensure that those notifications also include the maximum amount of information they can disseminate to the public under the law.

Enclosed in your packet is an example of what is typically included in the notification of the Suffolk County Police, if you look at sample 1 and sample 2. Note that the first page document that specific notification about a Level III sex offender. The following sample 1 is a copy of the same notification which is accessible by the State website. The difference is that this is a two page notification, which makes available the maximum amount of information under the law. The passage of this resolution will guarantee that the public will have the added benefit of details that can help them identify potential danger. Thank you very much for the opportunity.

P.O. CARACAPPA:

Thank you, Debbie, that was very informative.

MS. FELBER:

Thank you.

P.O. CARACAPPA:

I appreciate the packet, too. Okay. I have no other cards on this hearing. Anyone else wishing to be heard?

LEG. VILORIA•FISHER:

I had a question, I'm sorry.

P.O. CARACAPPA:

Ms. Felber, there's a question.

LEG. VILORIA•FISHER:

Deb, can you come back?

P.O. CARACAPPA:

Legislator Vilorina•Fisher, feel free.

LEG. VILORIA•FISHER:

Thanks, Deb. You know, it was so thorough and informative, and, yet, it's still a little bit confusing, because, you know, I'm just not certain as to the difference. We're just ••

MS. FELBER:

If you look at •• I'll show you the examples.

LEG. VILORIA•FISHER:

Okay. Just point me right to it.

MS. FELBER:

Okay, absolutely.

LEG. VILORIA•FISHER:

I might have been distracted. I was trying to read the legislation as you were speaking.

MS. FELBER:

It if you look at these first two pages, one and two.

LEG. VILORIA • FISHER:

Right, I saw the ranking.

MS. FELBER:

That is how •• well, I'm sorry, of the Sample 1 and 2. I apologize.

LEG. VILORIA • FISHER:

Oh, okay.

MS. FELBER:

Sample 1 is what the Suffolk County Police Department sends us; okay? It's a first ••

LEG. VILORIA • FISHER:

Okay.

MS. FELBER:

It's a letter, a cover letter, along with a page of information ••

LEG. VILORIA • FISHER:

Okay.

MS. FELBER:

•• of the sex offender and his picture.

LEG. VILORIA • FISHER:

Right, okay.

MS. FELBER:

If you look at the Sample 2 ••

LEG. VILORIA • FISHER:

Yes.

MS. FELBER:

•• it's two pages and it has a second page of information, which, at this time, Suffolk County Police Department is not sending to getting that information out to the community at large. So, in essence, you're just really getting the first page of information, and the second page is not coming through.

LEG. VILORIA • FISHER:

You mean, showing where he's living and where he works?

MS. FELBER:

In the second page it gives you more details, which is if he has scars, tattoos, his last name, if he has an alias, his employment address.

LEG. VILORIA • FISHER:

Right.

MS. FELBER:

Also, his vehicles and the vehicle license plates.

LEG. VILORIA • FISHER:

Okay.

MS. FELBER:

And any ••

LEG. VILORIA • FISHER:

And this is for all of those different ranks or just for the Level 3.

MS. FELBER:

Level 2 and Level 3, it's the same. We're only getting the first page, which is ••

LEG. VILORIA • FISHER:

Okay.

MS. FELBER:

•• what you see here. We're not getting the second page.

LEG. VILORIA • FISHER:

Okay.

MS. FELBER:

So, we would like to have all the information disseminated.

LEG. VILORIA • FISHER:

All right. Thanks. I wasn't clear on that ••

MS. FELBER:

No problem.

LEG. VILORIA • FISHER:

•• when you said it, sorry.

MS. FELBER:

Okay.

LEG. VILORIA • FISHER:

Thank you, Deb.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. Hi, Debbie. How are you?

MS. FELBER:

Good.

LEG. O'LEARY:

As the sponsor of this resolution, I just wanted to clarify to my colleagues that the intent of this resolution is to take away the discretionary authority, the local law enforcement agencies, and, basically, mandate the notification maximum, a notification allowable under the law.

There is a difference, of course, between Level 2 and Level 3. Level 3 is detailed in the handout that you gave as to what you can notify. Currently, as you stated, the Police Department is not notifying all of those particular areas. This bill will mandate that they do, in fact, do just that as a matter of policy. Not discretionary, they'll be mandated to make those notifications. They're somewhat restrictive by law as to the notifications regarding Level 2, but, of course, whatever they are allowed to do under the law, again, this will mandate that they make those notifications on the Level 2 offenders as well.

MS. FELBER:

That's right.

LEG. O'LEARY:

And I just want to add for the record that the Suffolk County Police Department is wholeheartedly supporting this resolution and they back it a hundred percent.

MS. FELBER:

Yes, thank you.

LEG. O'LEARY:

Okay. Thank you.

MS. FELBER:

Thank you.

P.O. CARACAPPA:

Thank you again. There's no other cards. Anyone else wishing to be heard? Motion by Legislator O'Leary to close.

LEG. O'LEARY:

Close.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions? Public hearing on Resolution 1752 is closed.

Moving on to public hearing regarding ***1834, a Charter Law adding Article XXXVI to the Suffolk County Save Open Space, Farmland Preservation, and Hamlet Parks Fund and permitting the transfer of development rights.*** We have a series of cards. First speaker is Kelly Platt.

MS. PLATT:

My name is Kelly Platt and I reside in Center Moriches. I have been a strong advocate of preserving open space. I have been on television speaking about this, and also in newspaper print.

It is my understanding that if we're going to preserve open space, it should be left as open space. Nowhere that I would vision that a TDR will be incorporated in an open space acquisition plan.

My understanding that my father once instilled on me that if you respect the land, you protect the land. That's what I'm trying to instill on you. I mean, I am a strong advocate of preserving open space, and, also, I don't want to see transfer of development rights happening in my town or any other town that •• where these cluster homes are going to be built. Yes, I did buy affordable housing, but, yet, you get what you pay for.

I mean, we have builders out there who want to build affordable housing, but, yet, you get what you pay for. I mean, we have builders out there who want to build affordable housing, but, yet, builders out there are charging an astronomical amount for these houses that, eventually, within one year or so will fall apart, like mine.

I do not support this bill. I feel TDR's do not belong in any type of open space bond act. Thank

you.

P.O. CARACAPPA:

Thank you. Next speaker is Jeffrey Davis.

MR. DAVIS:

Good afternoon, everyone. I also have some questions on this bill. I know I had come here to be in favor of Mr. Caracciolo's bill, but now this other one has come up. I know I, too, am in favor of preserving open space and everything, but the thing that does concern me are the TDR's, and I, too, understand the need of affordable housing, but, of course, the other question is what is affordable housing?

I do have an article here from the Manorville paper that the Town of Brookhaven is going to approve a planned retirement community, and the prices of these homes are going to be in between 400,000 and 650,000. I don't know of too many retired people who can pay that.

I am in favor of preserving open space, you know, but not if it has a TDR in it. Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Thank you very much. Next speaker is Doug Aloise.

MR. ALOISE:

Good evening, Presiding Officer Caracappa and members of the Legislature. I'm Doug Aloise, Housing Administrator for Catholic Charities. We are a large developer of affordable housing in our diocese, which comprises both Nassau and Suffolk Counties. We support the Open Space Bond Act that allows the County to transfer and sell development rights to both the for-profit and not-for-profit developers and builders to create affordable housing. Also, affordable housing doesn't mean cheap housing that's going to fall apart.

The legislation is a common sense approach to two major issues facing our County, environmental preservation and developing housing for our young families, the elderly, and the special needs populations, which include the homeless. I'm optimistic the voters will pass the

bond act, if the bond act includes the affordable housing provision. This is not a conspiracy to defeat the referendum. We must become creative to develop strategies like this to stop the brain drain out of our County and allow the elderly and those in need to live in dignity.

Moreover, at a time when many of our residents are struggling financially, this legislation will create private sector construction jobs and have a multiplier effect for the local economy. It will be a shot in the arm for our local economy. Thank you very much.

P.O. CARACAPPA:

Doug, there's a question. Legislator Carpenter.

MR. ALOISE:

Sure.

D.P.O. CARPENTER:

Thank you very much for your comments, they were right on target. I have a question. Saint Paul's Gardens in Brentwood, how old is that development?

MR. ALOISE:

That development is about 15 years old.

D.P.O. CARPENTER:

No, I don't think so. Saint Paul's Gardens on Wicks Road, right next to Saint Luke's Church.

MR. ALOISE:

Eight to ten years.

D.P.O. CARPENTER:

Okay, yeah, that's more like it.

MR. ALOISE:

Yeah.

D.P.O. CARPENTER:

But that really goes to your point of affordable housing ••

MR. ALOISE:

Right.

D.P.O. CARPENTER:

•• is not shoddy housing, or whatever term you used, because that development, that senior development there on Wicks Road is •• I wasn't sure about the time frame, but it is about eight or nine years old. It looks as nice today as the day it was first built and they had their ribbon cutting ceremony.

And I want to applaud Catholic Charities, because not only Saint Paul's Gardens, but Saint Anne's and Bishop McGann Village, they're all lovely, lovely developments and are in incredible condition.

MR. ALOISE:

Yeah. Our oldest one is Saint Joseph's Village in Selden, which was built in 1980 and is in Presiding Officer's district ••

D.P.O. CARPENTER:

Yeah.

MR. ALOISE:

•• I believe, you know. So, we feel very strongly about that, and we feel that's a marketing tool for the next one ••

D.P.O. CARPENTER:

Exactly.

MR. ALOISE:

•• that we build. Also, on a personal note, I grew up in Island Trees in Levittown, and about 1948 or so, those houses were going for six, seven thousand. My mother still lives in Island Trees and she told me the other day that around the corner, they got \$400,000 for that house.

D.P.O. CARPENTER:

Wow.

MR. ALOISE:

So, again, that was one of the first instances of affordable housing that was being developed by the private sector, so I don't think we can ever forget our private sector friends, we need them as partners.

D.P.O. CARPENTER:

Okay. Thank you for your comments, and keep up the good work with charities.

LEG. VILORIA • FISHER:

Joe.

P.O. CARACAPPA:

And you mentioned Saint Joseph's Village, and, literally, it's my neighbor.

MR. ALOISE:

Right.

P.O. CARACAPPA:

And it's still one of the best maintained, best looking developments in all of the Selden/Centereach greater community.

MR. ALOISE:

Thank you. Yeah, and that is our oldest one, that was the first one.

Thank you.

P.O. CARACAPPA:

Thank you. Thanks for your comments.

LEG. VILORIA • FISHER:

Joe, just one more question.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

I'm sorry. Could you come back? I have a question. Hi. One of the problems that we've had in •• with workforce housing, it is the density issue. And have you encountered any problems where you were not able to build or have a project move forward because there was opposition to density?

MR. ALOISE:

Yeah. Actually, we're having that problem now in the Town of Brookhaven where we're proposing to build 33 units in the compatible growth area of the Pine Barrens, so we only can develop about half of it. So, only about an acre•and•a•half is being developed for 33 units, and also _Deacon Mission_ Lutheran Church we would make into a community center, but ••

LEG. VILORIA•FISHER:

So, you have reuse there.

MR. ALOISE:

Right, it's historical reuse. We feel it's smart growth. The shopping is about 1.7 miles away, but there's a feeling that •• you know, if you read Newsday on Sunday that we're putting seniors in the middle of the woods, and that couldn't be further from the truth. So, we do encounter these problems from time to time, but we always hope that we're going to prevail. And, again, our biggest selling point is the other facilities throughout Nassau and Suffolk.

LEG. VILORIA•FISHER:

Wisdom Gardens in my ••

MR. ALOISE:

Wisdom Gardens actually is Catholic Health Services, which is a division in the Diocese, but that's, again, a wonderful example of smart growth and affordable housing. Most all of ours are professionally managed. We have a private sector management company that manages them, and then as managers and officers of Catholic Charities, we stop in frequently just to make sure

that things are staying up to snuff.

LEG. VILORIA • FISHER:

Thank you.

MR. ALOISE:

Thank you.

P.O. CARACAPPA:

Thank you, Doug. Next speaker is Joe Gergela.

MR. GERGELA:

Evening, Presiding Officer Caracappa, Members of the Legislature, Ladies and Gentlemen. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. I represent over 7,000 families on Long Island in agriculture, the landscape industry, commercial fishermen, the baymen, the entire industry.

For the last number of months, there has been several resolutions before you regarding open space and farmland preservation. We have several thousand acres of farmland available for preservation right now. We need the funding. We certainly support the open space and the farmland component of this, but we also support the transfer of development rights component. Affordable housing is something that we, too, support organizationally. Farm Bureau is part of the Long Island Association's Alliance on affordable workplace housing for people that live here.

I have a 24 year old daughter that is a graduate of Stony Brook, she's currently living at home. She works with a mortgage brokerage company up in Melville. I know that one day my daughter is going to want to stay here and be able to afford to live here and have her own place. Right now, she can't do it.

This is an extremely important piece of legislation. We need to do it. You guys need to do it. We all support it. Let's go. Thank you.

P.O. CARACAPPA:

Thanks, Joe. We really appreciate those comments. David Kapell, The Honorable David Kapell.

MAYOR KAPELL:

Mr. Presiding Officer, Members of the Legislature, I want to thank you for the opportunity to provide you with input today on this important decision you're about to make. I stand before you humbly, because I recognize the gravity of the choices that you're making with regards to both open space protection and the question of where our people are going to live in Suffolk County.

I address you in my capacity as Mayor of the Village of Greenport. I'm also a member of County Executive Steve Levy's Workforce Housing Commission, and I'm also a real estate broker with 25 years of experience, selling residential real estate on the North Fork and Shelter Island.

The bill before you embodies Long Island's greatest challenge, how to balance environmental protection with the housing needs of a diverse society. And there's a cruel irony in it, and that is that the alarming loss of youth and working families that we're experiencing results largely from skyrocketing property values caused at least in part by the high quality of life promoted by the very commendable commitment that the County has made to open space protection. And to illustrate this, I quote your bill. On Page 2, it reads as follows:

"This Legislature also determines that the County's investment in preserving Suffolk's natural environment by acquiring Pine Barrens, wetlands, beaches, woodlands, open space, and parklands, and other environmentally sensitive lands, has made Suffolk County one of the most desirable places to live because of the impact of such acquisitions on the aesthetics and quality of life in Suffolk County." It's no wonder that people are willing to pay now 500, 600, \$700,000 to live in Suffolk County, and that's a wonderful thing, but we need to balance that.

I'd like to state for the record that the initiative of Legislator Vilorio•Fisher to insert the transferred •• and Legislator Crecca, to insert the transfer of development rights provision in the proposed bond results directly from discussions of the Workforce Housing Commission that's been meeting since, I think, April or May. And one of our primary areas of consideration has been the fact that all •• thousands of acres on Long Island and Suffolk County have been preserved over the years with no banking of the development rights. So that here we are as a

Commission trying to figure out what we can do to address this profound problem, and a large problem, and one of the things that we can't do is use the •• take advantage of the money that the County's already invested in preserving open space by transferring development rights and the sewer credits that follow them.

I'd like to speak for just a moment about my village, because I think we offer a clear example of the problem. Greenport, as you may know, is a small village that was quite depressed a number of years ago, but has recently experienced a significant revival. And there's a very interesting statistic available in the United States census, and that is between 1980 and 2000, we have lost 30% of our housing stock by the operation of conversion of single family homes to second homes. Why are people buying second homes in Greenport? Because we're surrounded by the beautiful preserve farms of Southold Town. So, this is the problem in a nutshell. The actions you're taking on one hand are turning around and biting you in the neck •• in the back on the other.

I want to say that I'm not here for the Village's interest, because we have a sewer system in Greenport. So, to the extent that we can find solutions to rezoning and other initiatives to create housing to address the problem we have, we don't require transfer of development rights, so it's not relevant to Greenport.

The problem is huge. According to the Long Island Index recently published, 53% of people between the ages of 18 and 34 on Long Island are planning to leave. I mean, this is enormous. We're about to lose our soul.

I look •• I've been sitting here for sometime now looking at the County seal, and, on the County seal is a plow. I mean, the image, the identity that the County founders chose for Suffolk County was that of a plow, of a farm. Where are the people that are needed to work the farms of the North Fork and elsewhere on Long Island that still exist, where are these people going to live if something isn't done? The fact is that the only solution is growth. There is no real solution that does not involve growth. The question is how do you •• where do you encourage this growth? And I suggest that the bill before you is beautiful in that it provides a means to distribute growth where it's appropriate. We don't want growth in the Pine Barrens, we don't want growth adjacent to wetlands, we don't want growth on working farms, but growth would be beneficial in villages and hamlets.

Why not bank these TDR's? You're going to spend 75 million dollars and all you have to do is put them aside. Not doing so would be a squandering of public funds in the face of an acute need. Localities can rezone, but without the sewer credits that follow TDR's, the Health Department is not going to allow development.

The opposition is going to tell you that the voters will defeat this referendum and that there's some conspiracy to defeat the open space provision of the referendum. That's simply not the case, and it ignores the fact that most families on Long Island are impacted by a problem that hits home, no pun. To paraphrase Adlai Stevenson, the great Adlai Stevenson, "Don't underestimate the intelligence of the average American voter." Let the people speak on what is the seminal issue of our time. Thank you very much.

P.O. CARACAPPA:

Thank you, Mayor Kapell. There are some questions. Legislator Vilorio•Fisher.

LEG. VILORIO•FISHER:

Good afternoon. Thank you for being here, Dave. Before I ask my question, I do want to point out what an important role you play on the Workforce Housing Commission, because you come to us with the experience of having tackled the problem very successfully, and you certainly are a model in that Commission.

MAYOR KAPELL:

Thank you.

LEG. VILORIO•FISHER:

But, as a fellow member of that Commission, you know there have been some accusations thrown around regarding the fact that there are other ways in which we could use TDR's, that we didn't have to include TDR's here, and I know that you and I were both present at a rather lengthy discussion at the Workforce Housing Commission. I had brought it up with regard attaching it to my quarter percent extension. And perhaps my recollection is wrong, I think I took a look at the minutes, but the sense that we had there, other than just the words in the minutes, to my recollection, were that we really needed to look at an instrument that would allow us to look at TDR's prospectively; is that your recollection?

MAYOR KAPELL:

Absolutely.

LEG. VILORIA • FISHER:

So, do you see us being able to successfully move forward with a program, a Workforce Housing Program, where we could use TDR's as part of the process if we didn't have something like this?

MAYOR KAPELL:

I don't see how you're going to do it in areas that aren't sewered and which blocks out an entire part •• you know, large part of the County, particularly the East End, where, you know, frankly, from a selfish standpoint, I'm most concerned, is that on the East End, you're not going to have any affordable housing development, unless you have some mechanism for transferring sewer credits, it's just not going to happen. And, in fact, because there's such emphasis on the •• on farmland preservation, which does not apply, which is excluded from the transfer of development rights provision, there's a serious need. If the County •• if the County is committed to doing something about the problem, there's a serious need for the East End to be able to access a bank of TDR's developed elsewhere in the County through open space preservation in order to meet our need.

I mean, this is an issue that's not going away, it's just going to get worse, and it's time to bite the bullet. And I reject, I reject flatly the proposition that this •• this affects almost every family in the County. If it's not •• if it doesn't directly affect the primary wage earners in the family, it affects their children, or it affects their employees, or it affects their neighbors, or their friends. I mean, it just •• this touches everybody. So, to think that the voters aren't going to be able to understand that this is something they need to support I think it's ridiculous. I think it's a lost opportunity for us not to get a chance to get a mandate from the people, because that mandate will translate into action at the local level. Villages like Greenport, towns like Southold, other townships and municipalities in the County will respond if they see a clear signal from the people that this is something that's got to be addressed.

LEG. VILORIA • FISHER:

We couldn't agree with you more, Dave. Thank you very much for being here.

MAYOR KAPPELL:

Thank you. I appreciate your time.

P.O. CARACAPPA:

Legislator Caracciolo.

MAYOR KAPPELL:

My Legislator.

LEG. CARACCIOLO:

Hi, Dave.

MAYOR KAPPELL:

Hi, Mike.

LEG. CARACCIOLO:

We had a good conversation yesterday.

MAYOR KAPPELL:

We did.

LEG. CARACCIOLO:

To your knowledge, how many of Suffolk's ten towns has a TDR program currently.

MAYOR KAPPELL:

I don't know that. I can't answer that, Mike, I'm not sufficiently knowledgeable.

LEG. CARACCIOLO:

The Town of Riverhead has had one for more than a decade, I believe. And Joe Gergela, if you're still here. Joe, you still here? What did they have, one TDR transfer in ten years?

MR. GERGELA:

I believe that there is one at this time.

LEG. CARACCIOLO:

One, one. So, from my perspective, with regard to the resolution that you're speaking to, is it your understanding that this resolution provides 75 million dollars for open space in the transfer of development rights?

MAYOR KAPPELL:

No. The way I read it, there's a certain amount of money that's set ••

LEG. CARACCILOLO:

Thirty million dollars for ••

MAYOR KAPPELL:

•• aside for farmland preservation.

LEG. CARACCILOLO:

Correct. Okay.

MAYOR KAPPELL:

But let me turn it around on you, Mike.

LEG. CARACCILOLO:

Go ahead.

MAYOR KAPPELL:

What has the Town of Riverhead lost?

LEG. CARACCILOLO:

What have they gained? I mean ••

MAYOR KAPPELL:

No, no. I'll turn it around. What have they lost by banking the development rights?

LEG. CARACCILOLO:

It's a farce is what I'm getting to, and that's in part what we're dealing with here. We're dealing about a proposal that has no details. In other words, the Commission's been meeting

for three months, four months. I find it odd that at the eleventh•and•a•half hour, facing a referendum deadline of September 2nd, that suddenly we have a proposal.

And I was queried about this notion of TDRs last Friday by Legislative Counsel, who called me at the behest of a •• apparently, a colleague, because it was a client of her's. Okay? This client could not call me and have the conversation, because I would have said to them what I've said to one of the cosponsors of this resolution previously, and that is tell me how this TDR Program is going to work?

So, I just want you and the public to be mindful that what we have here is a concept without any idea of how this TDR Program is going to work. Have you at the Work Force Commission talked about in detail a concept on how this ••

MAYOR KAPPELL:

We've not talked in great detail, but I want to go back to what I asked you earlier, is what •• what is at risk?

LEG. CARACCILOLO:

Well, from your perspective, I'm going to ••

MAYOR KAPPELL:

No. Let me finish, Mike.

LEG. CARACCILOLO:

Yeah.

MAYOR KAPPELL:

Let me finish, please.

LEG. CARACCILOLO:

I just want to answer your question. You want to flip it around.

MAYOR KAPPELL:

No, I just want ••

LEG. CARACCILO:

What has Riverhead gained, is my question. Your question is what have they lost.

MAYOR KAPPELL:

No.

LEG. CARACCILO:

What they've lost is a decade of meeting the needs of the very people that you're passionate about.

MAYOR KAPPELL:

But the TDR's in the bank hasn't hurt them a bit, Mike, they're sitting there. And if somebody comes up with a way to utilize them in a responsible fashion and in effective fashion, they're available for such use. The problem ••

LEG. CARACCILO:

Ah, but ••

MAYOR KAPPELL:

The problem is here, that by eliminating the TDR provision from this act, you will essentially be sacrificing the public value that's represented by those TDR's at some point in time. I must •• you know, I agree with you, that there's a lot of planning that needs to be done, but the way I read this bill, it all comes back to the Legislature before anything is actually implemented.

LEG. CARACCCIOLO:

And that's Part 2.

MAYOR KAPPELL:

And I trust ••

LEG. CARACCILO:

And that's Part 2 of my concern, as somebody who has sat here for 15 years, second only to Allan Binder, I can tell you I have witnessed time and time again good intentioned legislation that never sees the light of day, simply because, when it does come back, the will isn't there to

do what needs to be done.

MAYOR KAPPELL:

Mike, the only thing I'd say to you in closing, if you don't take chances in life, you don't get ahead. I used to •• I had a friend who advised me in business. He said, "If you want to accumulate, you've got to speculate." There's no •• there's nothing in life that doesn't ••

LEG. CARACCILOLO:

You've done well, Dave.

MAYOR KAPPELL:

There's no progress in life that doesn't involve risk•taking, and there's an element of risk associated with this. But I say again, let the people decide it. You're putting it up to the voters.

LEG. CARACCILOLO:

I appreciate that point ••

MAYOR KAPPELL:

Let the people decide this question.

LEG. CARACCILOLO:

That point, as you know, and I mentioned to yesterday, I appreciate, and ••

MAYOR KAPPELL:

Get it out there, so people can debate it and let the voters decide it.

LEG. CARACCILOLO:

Dave, I appreciate your comments, your conversation. We'll continue the dialogue, I'm sure.

MAYOR KAPPELL:

I look forward to it.

LEG. CARACCILOLO:

And, as I requested yesterday, I look forward, if this is approved by the voters, to working with

you and others to try to make a meaningful TDR program ••

MAYOR KAPELL:

Thanks, Mike.

LEG. CARACCIOLO:

•• out of what right now appears to be an idea.

MAYOR KAPELL:

Thank you.

P.O. CARACAPPA:

Legislator Schneiderman, then Vilorio•Fisher.

MAYOR KAPELL:

Jay.

LEG. SCHNEIDERMAN:

Thank you for coming out and speaking. And I just certainly applaud the work you've been doing in Greenport to try to keep the working people in your community. I think there's some confusion, I think it's a natural confusion when you hear the word "TDR". Now, you did, in your presentation, you did speak of sanitary credits, and I think that's really what this gets •• gets at, because although towns, maybe Riverhead may be the only town with a formal TDR program.

What we're really talking about is the County internally. We don't set the zoning, the town sets the zoning. But oftentimes, somebody will come in to build affordable housing and they'll look at the County regulations that really come out of the 208 study, this comprehensive hydrological study, and the County's broken out into hydrological zones, and some of those zones are one house per three acres, or, four house •• if you're lucky, four houses an acre. And you can't do affordable housing, typically, in today's real value •• today's property values, at four houses an acre. You might need to get to six houses an acre. And what the County will tell you is if you want to do that, you need to go out and sterilize another acre or two

somewhere. And when the developer does that, the cost now, they can't possibly deliver affordable housing.

So, what this would do, potentially, is bank sanitary flow credits, so that the County could potentially sell or transfer those credits to allow, at a discounted price, allow that affordable housing to happen without the need to necessarily go out and buy more land and sterilize that land. And I think that's an important distinction. I think it may get confused on this density issue with the transfer of development rights. What we're really talking about is sanitary credits to be used judiciously to be banked for some future effort that would be approved by this County Legislature. I just wanted to make that distinction, if you wanted to add to that.

MAYOR KAPPELL:

The only thing I would say is I think that there's a fundamental problem, which is the tension between centralization of government and decentralized government, centralization in this context being the County, centralized government being the County, decentralized being, for example, the Village of Greenport. And the problem is you've got all these little municipalities, villages, towns, throughout the County that have their own sense of what proper zoning is and what should be done. And none of them •• and when it comes to the affordable housing issue, each one of them is going to say, "Well, why should I do this, you know, when they're not going to" •• we're just going to end up solving Riverhead's problem in Greenport. I hear that all the time when we advocate for affordable housing. To be blunt, we hear that all the time.

The beauty of this proposition, in my view, is it gives the voters a chance to make a statement county•wide that I believe will be powerful, when it's manifested, that will send a message down to the local level that the people mean business on this. And I think that that will have a profound impact on the localized discussions that are required in order to effectuate zoning, for example, in the Town of Riverhead, that would permit the transfer •• permit the development rights to be utilized. The problem in Riverhead is the zoning isn't there, Mike. There's •• the sewer credits relate directly to zoning. We need high density zoning. If we're not going to talk about that, we might as well put the key in the door insofar as working families are concerned.

D.P.O. CARPENTER:

Thank you, Mayor Kapell.

MS. KAPPELL:

Thank you.

LEG. VILORIA • FISHER:

I'm sorry, I was on the list.

D.P.O. CARPENTER:

You're on the list? Okay. Legislator Vilorina • Fisher.

LEG. SCHNEIDERMAN:

Mayor, when you talk about high density zoning ••

D.P.O. CARPENTER:

Excuse me.

LEG. SCHNEIDERMAN:

•• I don't want that to ••

D.P.O. CARPENTER:

Excuse me. You're still ••

LEG. VILORIA • FISHER:

He still had the floor.

D.P.O. CARPENTER:

Okay. But you're asking questions, we're not here to debate. We're in the public hearings.

LEG. SCHNEIDERMAN:

I just want a clarification, because I don't want this to scare people when you talk about high density zoning to think that we're talking about high rises.

MAYOR KAPPELL:

No, but something other than •• you know, I mean the day of •• you're not going to build affordable houses on two • acre lots, I mean, come on.

LEG. SCHNEIDERMAN:

Right, exactly.

MAYOR KAPELL:

And the County Health Department won't let you build on less than half an acre unless you transfer a sewer credit from someplace. You know, in Greenport, I live on a 50 by 100 foot lot. You can get eight of those on an acre.

LEG. SCHNEIDERMAN:

Okay. I just wanted some perspective.

MAYOR KAPELL:

To me, that's higher density.

D.P.O. CARPENTER:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you, Madam Chair. Dave, as I said before, you and I are both, and so is Legislator Schneiderman, members of the Workforce Housing Commission. I'm a member of the sub •• one of the subcommittees in that Commission. Are you a member of any of the subcommittees in that commission?

MAYOR KAPELL:

Planning and Zoning.

LEG. VILORIA•FISHER:

Planning and Zoning, okay. And so, you know that we are a work in progress and we are developing processes that will help us effect the type of changes that we're looking at. And Vito Minei and Tom Isles are working on •• you may be in that planning and zone group that they're in.

MAYOR KAPELL:

I am.

LEG. VILORIA • FISHER:

And so, if we look at the bill that's before us, on Page 6, the language here says, "Pursuant to a program to be established by the Suffolk County Department of Planning and via subsequent duly enacted resolution of the County of Suffolk." What we're doing here is giving ourselves •• we're opening the door to and giving ourselves the ability and the opportunity to have this kind of planning that will come out of the subcommittee of which you are a part; is that correct?

MAYOR KAPPELL:

It is. And I really think what you're doing is taking a step in leadership to buy into the idea of a partnership between the County and its localities in terms of addressing this problem cooperatively without the •• without the banked development rights. That conversation simply can't take place, it's as simple as that.

LEG. VILORIA • FISHER:

And you wouldn't be able to establish that process if we didn't have this loose language here that allows you to do that.

MAYOR KAPPELL:

Exactly.

LEG. VILORIA • FISHER:

Okay. Thank you, Dave.

D.P.O. CARPENTER:

Thank you.

MAYOR KAPPELL:

Thank you all. I appreciate your time.

D.P.O. CARPENTER:

Next speaker, Bob Wieboldt.

MR. WIEBOLDT:

I'm Bob Wieboldt of the Long Island Builders. I'm here today to support what has been earlier

called a beautiful idea, an idea that many of us have been advocating for many years. But there are environmentalists out there who can't seem to see the forest for the trees, call this a diabolical plot. I would point out to all of those who have talked to that particular person, who, well, remains unnamed, that he led the charge for the Pine Barrens, and in the Pine Barrens, there's a TDR program. That same person led the charge for the CPF funds on the East End of Long Island, and last year, abortively, in Brookhaven. And guess what's in there? A detailed program of reserving the rights for the development that could be transferred at the town's whim.

So what you're doing here is to simply say that when the County goes out and buys the development parcel to protect it from development, to preserve it, because it's environmentally sensitive, what you're saying is that piece in perpetuity will remain pristine. The environment is served, yet, the sewer credits that are on that parcel will move someplace and be available through an organized planning system that you guys guides approved to be used for workforce housing. What better concept?

Unlike all previous bond issues for environmental and open space land, this resolution includes this TDR concept for other than agricultural lands. LIBI's in full support of the program because it has that. And the question is why not hold onto development rights on preserved parcels for use in workforce housing?

As Newsday pointed out this morning in an editorial, the two goals are not contradictory. Why should the development rights and preserved parcels disappear when they could be used for sensible development with added density for workforce housing? Now, several towns have considered mandatory workforce housing density increases. The DiNapoli/Balboni bill would require all towns in the two counties to do this. It didn't pass, but the idea is up there. Huntington now requires it. When you get an increased zoning bonus, you've got to put 20% affordable.

But Suffolk County Health Department regulations are the limiting factor, as Mayor Kapell pointed out. Sewer constraints, namely the County's historical inability to provide for adequate public sewage treatment, and the necessary restriction on individual septic systems require solutions that transfer density. Now, it's particularly true for the following kinds of situations: Two family dwellings, apartments over retail, and for adding affordable detached homes to subdivisions that require individual septic systems.

Now, a good way to do affordable housing, if somebody had a right to do 40 ordinary houses, to say that for an additional density bonus of four, do ten percent affordable, those units that have to be put in. County Health Department won't allow that. They'll allow 36 out of 40 on the particular site, and not 40 out of 40, which is not even a rezoning, it's just using up the whole envelope that zoning would permit, that you usually lose a few in subdivision regulations.

The County's Smart Growth Policy Plan, which has been presented to the Legislature under the last administration and then ratified in this one, called for exactly this type of program. The Workforce Housing Commission, as you've been informed several times today, recognized the potential of using it prospectively in the future. Both administrations have seen the potential. Both administrations are saying, "Not now, only in the future." They both said that unless the bond legislation provided for it, they couldn't in due conscience do it. So, the bond legislation must be an authorization.

Therefore, since this legislation so provides, the future is now.

We know about a pressing need that •• for workforce housing. Let me translate that for you. There's whole towns and whole Legislative districts where you're going to be buying open space, but there's an awful lot of people who need housing. They don't want their kids in garages, they don't want their kids in basements.

There is a large voting block out there that is basically uninterested in the issue of open space preservation. That block is mobilized by this legislation, in addition to the environmental open space support.

Now what do you get out of this? You get a creation of a potential revolving fund, so anything that's sold can be used to buy more open space. The bond issue then can be expanded without going back to the voters. If it was a broader version that didn't have affordable housing limits in it, it would be a complete revolving fund. You could do it once, we'd buy the development rights for whatever projects we're doing, and you'd have a fund forever.

Better development, incorporating smart growth, affordable housing, redevelopment, community revitalization will now be made possible in unsewered areas, and on top of all of this, every environmental piece bought will be saved and preserved forever.

I'd like to conclude by saying, making sense of this, using this power, providing for this bond issue will give you the support of the Long Island builders. And I'd like to conclude by saying this idea of a plot, that somehow we're trying to kill the bond issue is absolute nonsense. As I said before, LIBI has supported and built every single affordable housing project done by the Partnership. We have never opposed an environmental bond issue in the history of this County. We have opposed the transfer tax, yes, for funding open space acquisition successfully last year, but what we think is that land cost is a determining factor in home costs. Only increased density can break that.

D.P.O. CARPENTER:

Thank you.

MR. WIEBOLDT:

If you have to buy one acre of land at \$200,000, you can't do a \$200,000 house.

D.P.O. CARPENTER:

Thank you very much.

MR. WIEBOLDT:

If you can put four on it, you can. Thank you.

D.P.O. CARPENTER:

Thank you, Bob.

LEG. CARACCILOLO:

I have a question.

D.P.O. CARPENTER:

Legislator Caracciolo has a question.

MR. WIEBOLDT:

Sure.

LEG. CARACCILOLO:

Hi, Bob. Back, I guess it was in April, between our March and April, or May meeting, when the

issue of Detmer Farm came before this Legislature, an individual from your association and yourself came to my office to discuss that matter. At that time, I had requested that individual to come before the Legislature and share with the entire body, and he was labeled as a phantom, like he didn't exist. Well, he does exist, Mr. Wieboldt knows who he is, and because I have indicated to that individual from day one, the day of our March meeting, when that resolution first came up for consideration, that I would not disclose his identity without his permission, I will not do so today. But, as you know, Bob, I was very upset that this individual met with me, and you were present, and represented on the Detmer Farm the County was paying twice as much money for that acquisition as he could have purchased that property for just seven months before. He found himself in a bidding war with this County, which he had to step aside and the taxpayers •• now I don't even know •• that hasn't closed, by the way.

D.P.O. CARPENTER:

Question.

LEG. CARACCILOLO:

Well, you've got to have some background here. The question relates to he wanted to build a project that would have allowed on 32 acres, or 34 acres, pardon me, the homeowner or the property owner to keep four, four acres for a homestead, 22 of the 30 acres, which was the farm, 34 acres wasn't the farm, 22 acres was the farm, he wanted to preserve, and he wanted to develop eight acres, including an affordable housing component.

If, under this proposal, we go out and we purchase the Detmer Farm, or another piece of property like it, for 6 million dollars, 6.2, actually, I'm waiting to see the Legislators who were hell bent on buying that property and preserving it, saying, "Well, you know what, we agree. Now that we have a TDR program, there should be some development on that property." I mean, we could have had affordable housing, we could have had senior citizen housing, we could have had tax benefits for the local school district.

D.P.O. CARPENTER:

Question.

LEG. CARACCILOLO:

The letter you handed out today •• first of all, would you just kindly acknowledge that

conversation and that meeting?

MR. WIEBOLDT:

Yeah, the phantom exists.

LEG. CARACCILOLO:

Okay. You indicate in your letter on Page 2 that land cost is what determines the fact •• I'm sorry, land cost determines the home cost.

MR. WIEBOLDT:

Right.

LEG. CARACCILOLO:

I can share with you, because, and my staff will tell you, we track in my office transfer of real estate transactions in the towns I represent, so we keep a very close eye on what developers are buying property for. And I can tell you, on the North Fork, in the Town of Brookhaven, what they're buying land for and what they're selling those homes for includes a premium of about 150 to \$200,000 because of what the land is worth by the time •• from the time they bought it until the time they develop that property.

So, I don't disagree with your statement, but I don't people to get the impression that developers are willing to step up to the plate here and develop affordable housing without taking huge profits, because I can •• I can tell you which developers have done that in my district. But ••

MR. WIEBOLDT:

What we are saying is not in any way that we're going to make any money on affordable housing, it really can't be done. What we are saying is we are willing, because we work in the community, live in the community, our own employees can't afford our houses, our own sons and daughters can't afford to live here. I mean, builders are nice guys, but why buy their kid •• you know, they go to bar mitzvahs, you pay him for college, you take care of the wedding, you've got to build a house, too? And that's what it's amounting to for even our, you know, wealthy builders. The real issue is, if land costs a couple of hundred thousand dollars an acre and you've got a town like Southold that says, you know, "We need two acres" ••

LEG. CARACCILO:

Riverhead, two acres.

MR. WIEBOLDT:

Riverhead, they need two acres for each house, how are you supposed to get a two or three hundred thousand dollar house out of that? You can't without going into all the economics. You're into a situation where, if you can get four or five units to that, you can do it. But the minute you cross the Health Department limits, and you're going to do it all the time in farmland, that's why farmland is not in this bill, you've got to basically have a source of the development rights to simply get by the regulatory requirements.

LEG. CARACCILO:

I understand that argument, but I want to get back on point here. Town of Brookhaven this year, I believe the Town Board has or is very close to adopting a proposition for this Fall's ballot, a 100 million dollar environmental bond act to preserve land. Is that just open space in the Town of Brookhaven?

MR. WIEBOLDT:

It's basically open space, and, you know, there's no TDR in that at the moment.

LEG. CARACCILO:

There's no TDR component in that. So, my question ••

MR. WIEBOLDT:

We will be urging them to put one in.

LEG. CARACCCIOLO:

My question is, for 30 million dollars, how many houses, affordable or workforce housing units do we need in Suffolk County? I've heard numbers between 50 and 90,000; is that about right?

MR. WIEBOLDT:

I'd say at least 50.

LEG. CARACCILO:

Okay.

MR. WIEBOLDT:

And to compare that 50,000, which is a Lee Koppelman number, and, you know, I think it may be higher, to what production is, we're producing maybe 500 a year.

LEG. CARACCILO:

Okay, that's my next question. With this bond ••

MR. WIEBOLDT:

Our grandchildren will be here discussing the problem.

LEG. CARACCILO:

With this 30 million dollar open space bond, Bob, how many TDR credits, how many workforce housing units will we actually accomplish? What will we develop with 30 million dollars?

MR. WIEBOLDT:

Basically, fifteen hundred possible development rights that will come out of that.

LEG. CARACCCIOLO:

Thank you, Bob.

MR. WIEBOLDT:

Good start.

LEG. CARACCILO:

Thank you.

P.O. CARACAPPA:

Okay. Moving on. Any other questions?

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Legislator Vilorio • Fisher.

LEG. VILORIA • FISHER:

Just very briefly, since that phantom you have verified does exist. Did he have an accepted offer by the buyer? Did the •• I mean, by the owner?

MR. WIEBOLDT:

No, and that was one of the problems with the particular situation. See, if the County is in there at the same time and the buyer can choose between two, what happens is it bids it up for both parties.

LEG. VILORIA • FISHER:

Okay, but ••

MR. WIEBOLDT:

If we get it, it's more expensive.

LEG. VILORIA • FISHER:

Right.

MR. WIEBOLDT:

If you get it, it's more expensive.

LEG. VILORIA • FISHER:

But that owner came here and showed us three other offers that were actually higher than the County's offers, just so that that's on the record.

MR. WIEBOLDT:

That may have been ••

LEG. VILORIA • FISHER:

That was on the record at that time.

MR. WIEBOLDT:

Once you start an auction like that, you never know where it will go.

LEG. VILORIA • FISHER:

That's right. Okay. There was a statement just made by Legislator Caracciolo that we could have had •• that we could develop affordable housing on the Detmer Property because of TDR's. That was a little misleading. It's farmland development, so ••

LEG. CARACCILO:

We bought it in Open Space, though.

LEG. VILORIA • FISHER:

TDR's would not even be applicable there, number one. Number two, when you have TDR's on a property, it doesn't mean that you're building on that property. You know that's not so.

P.O. CARACAPPA:

Legislator Vilorio •• okay. You're done? Okay, thank you.

MR. WIEBOLDT:

Not to be specific to the Detmer Farm, but there is a little gap in the County's Open Space Program, and it's that you guys go out and you fix the price, and the only thing you look at is the price and the value of the land. You're not really looking at alternatives, and one of the reasons is you never do a SEQRA on each individual acquisition, you do it on the whole program. If you had to do a SEQRA, you had to look at alternatives, and that might have been more helpful in that case.

P.O. CARACAPPA:

Thank you, Mr. Wieboldt.

MR. WIEBOLDT:

Thank you.

P.O. CARACAPPA:

Next speaker is Michael White.

LEG. SCHNEIDERMAN:

Point of order. We lack a quorum.

P.O. CARACAPPA:

We don't need a quorum during public hearings, Legislator Schneiderman, just public portion. Thank you. Go ahead, Mr. White. Thank you.

MR. WHITE:

Thank you. My name is Michael White. I'm a resident of Centerport here in Suffolk County. I'm also the Chair of the Long Island Chapter of the New York League of Conservation Voters, and a member of the Statewide Board of the League.

I spoke at your last meeting in support of what was then Resolution 1239, which was to put a referendum for open space, farmland, hamlet park funding for a public referendum. Unfortunately, that Legislation did not pass, notwithstanding overwhelming support from the environmental community.

Today you have before you Resolution 1834, the subject of this present public hearing, which indicates the Legislature and the County Executive have chosen to go in a little bit of a different direction with this program, and included a provision which would allow the County to reserve the right to dedicate and transfer development rights, farmland acquired from the program, development rights from land acquired from the program exclusive of farmland, and hold these rights for such use for the sole purpose of providing workforce housing pursuant to a program to be established.

The League has previously advised that we are not opposed to using TDR's as a land use management tool, but did recommend that TDR's not be a part of this referendum, but perhaps as a follow-up after a framework of a program, of a TDR program, would be developed, and, certainly, after undertaking a very essential and important public education program, particularly to explain to the public the concepts of sanitary credits, as discussed by Legislator Schneiderman. And what this transfer of development rights in this County really is is the transfer of sewer rights, and that's a little complicated and we need to get that public education campaign going.

We also expressed concern that the inclusion of this TDR type provision in this referendum might run the risk of having the voters rejecting this critical bond referendum. And I want to raise those concerns once again here. However, notwithstanding those reservations, I'm here to say today that let's put this referendum on the ballot.

We cannot run the risk of running out of funds to preserve open space and purchase open space and purchase farmland development rights. We have to keep our eye on the ball. This program must go forward. I would suggest to you and recommend, should the County determine that it needs and wants to establish this program pursuant to the authority that would be granted if this resolution •• excuse me •• if the referendum is passed, and, hopefully, it will be by the public, I would offer my assistance, I would offer the assistance of the League to work with the County on a TDR program, and to suggest that the basic tenets with this TDR program for workforce housing be consistent with smart growth principles and certainly the protection of our groundwater and drinking water quality.

And, finally, let me say that I hope this referendum may be a catalyst to show that the preservation of open space and the development of workforce housing can be compatible here in Suffolk County.

I have one more thing to say, Mr. Presiding Officer. I was sitting behind my good friends, Mr. Morgo and Mr. Elkowitz during the conversation about the age of affordable and workforce housing, and I'm reminded, and I would comment to you in connection with his question, that, certainly, the Long Island Housing Partnership, which has constructed and developed numerous housing units for families, has housing out there that is in the range of 15 years and it's still looking quite smart and well kept. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. White, appreciate it. Next speaker is Tom Datre. Datre? My apologies.

MR. DATRE:

Good evening. Tom Datre. I'm the President of the Long Island Builders, and I'm also on the Workforce Housing Committee, but I'm going to take off that hat tonight. I'm a resident of Suffolk County for forty•five years. I have three children and eight grandchildren. And, you know, it's very devastating when my own daughter last night told me and my wife, and it's devastating to a woman more than a man, I think, that she has decided, she can't get a

teaching job here on Long Island, and she can't afford to pay the rent she's paying, that she's moving to South Carolina, and she's only going to pay six hundred dollars instead of twelve hundred dollars for an apartment, my own daughter. So think about that, my own daughter. What about •• what's going to happen with the firemen, the volunteer firemen, the volunteer ambulance people when we start losing them, and now we have to start paying people, because we don't have anybody to be volunteers anymore?

This Island is heading for a disaster. I've been doing this, I've been in this trade all my life, and I'm proud of it, that's what I do for a living, and we're heading for a disaster that we don't realize. If we don't straighten this disaster out, when the time does come that this disaster hits, there's no way to straighten it out. We're losing our children, we're losing our seniors. I see it every day. I see people coming to buy houses, they can't afford it.

I build for the Long Island Housing Partnership and I build at a minimal profit for them, and I built over a couple of hundred units, and I'm very proud of what I do, and I'm proud to see the people that move in there. It makes me feel happy, them building that five, six hundred dollar house that I also do. So, if we don't act now on this bill and other bills and do what we have to do to straighten this County out, we are heading for a disaster. And I'm telling you right now, we won't be able to straighten it out. Thank you.

P.O. CARACAPPA:

Thank you very much. I have no other cards. Anyone else wishing to be heard? Motion to close by Legislator Vilorio•Fisher.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? Resolution 1834 is closed.

I'd like to make a motion, second by Legislator Losquadro, to set the dates for the following public hearing: Set the date for Tuesday, September 21st, 2004, and the •• at 3 o'clock here, at the Rose Caracappa Auditorium in Hauppauge in Public Works and Public Transportation

Committee, resolution •• public hearing for ***Resolution 1830, a Local Law to impose fines on unlicensed ferry service operators.*** There's a motion and second. All in favor? Opposed? Abstentions? That public hearing is set.

Motion •• same motion, same second, to set the public hearings for Tuesday, September 28, 2004, at 2:30 P.M., at the General Meeting at the Maxine Postal Auditorium in Riverhead on the following public hearings: ***2005 Operating Budget, Southwest Sewer District assessment roll, I.R.1811, I.R. 1838, I.R. 1864.*** There's a motion and a second. All in favor? Opposed? Abstentions? Those public hearings have been set.

Motion by myself, second by Legislator Losquadro, to set the following public hearing: On Monday, October 4th, 2004, at 10:30 a.m., at the Rose Caracappa Legislative Auditorium here in Hauppauge, for the following public hearings: On the ***2005 Operating Budget, and Southwest Sewer District assessment roll.*** There's a motion and a second. All in favor? Opposed? Abstentions? That public hearing is set on the public hearings.

We are going to take a brief 20•minute break just to regroup, and then we're going to come back and deliberate and vote on the remainder of the bills tonight. We'll come back at twenty after. Thank you.

[THE MEETING WAS RECESSED AT 7:00 P.M. AND RESUMED AT 7:55 P.M.]

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

P.O. CARACAPPA:

Henry, roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CARACCILOLO:

Here.

LEG. SCHNEIDERMAN:

(Not present).

LEG. O'LEARY:

(Not present).

LEG. VILORIA • FISHER:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. FOLEY:

(Not present).

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Pass. (Sic)

LEG. CRECCA:

(Not present).

LEG. NOWICK:

(Not present).

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. FOLEY:

Henry.

LEG. BINDER:

(Not present).

LEG. NOWICK:

I'm here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

(Not present).

P.O. CARACAPPA:

Here.

LEG. O'LEARY:

Mr. Clerk, present.

MR. BARTON:

16 present.

P.O. CARACAPPA:

Thank you, Mr. Barton. Okay. What I'd like to do is take care of the CNs real quick and move on to the agenda. I'd ask Mr. Zwirn just to come up and just be ready for questions or comments. If you have a comment, just grab my attention, and we'll take care of it.

Resolution on **CN 1550, amending the 2004 Operating Budget and transferring funds for the Suffolk County Water Protection Fund, 477 Reserve Funds at the Cornell Cooperative Extension of Suffolk County for the restoration of Peconic Bay scallop population and fisheries.**

Is there a motion?

LEG. CARACCILO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo, seconded by Legislator Losquadro. All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Binder.

MR. BARTON:

17.

P.O. CARACAPPA:

Moving on. 1834, (Adopting Local Law No • • 2004, a Charter Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space, Farmland and Hamlet Parks Fund and permitting the transfer of development rights).

There's a motion by Legislator Vilorio•Fisher, seconded by Legislator Crecca.

LEG. CARACCILO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Is the County Attorney present?

MS. CAPUTI:

Yes.

LEG. CARACCILOLO:

There are two members of the County Attorney's Office present. Okay.

Since this resolution comes before us vis a vis a CN, I have a couple of questions as to the process and public notice and the public hearing being scheduled today. Have all proper notices been filed in a timely fashion?

MR. ZWIRN:

Yes, they have.

LEG. CARACCILOLO:

Can you tell me when that was?

MR. ZWIRN:

I think the notices went out on Friday.

LEG. CARACCILOLO:

You think or you know?

MR. ZWIRN:

I believe they went out on Friday.

LEG. CARACCILOLO:

Who can tell me with certainty that they did go out on Friday?

MR. ZWIRN:

Well, I can tell you they did go out in a timely manner.

P.O. CARACAPPA:

I believe it was Friday at two o'clock.

LEG. CARACCILOLO:

Okay. Because I have a date and time stamp on the document that's after two o'clock, almost one hour later. Do we have an original document as to when this resolution, Henry, was

received in the Clerk's Office?

MR. BARTON:

Yes. Just give us •• I don't have it in front of me.

LEG. CARACCILOLO:

Okay. Could we get a copy of that?

MR. BARTON:

Absolutely, yeah.

LEG. CARACCILOLO:

We're talking about a public referendum, and I want to make certain that all of our procedures and rules and the Charter were followed.

MR. BARTON:

There may be some confusion. There are two legal notices that are required. One is for the public hearing that we held earlier tonight, and we posted that here and out in Riverhead, and we also notified the press through the press secretary of the Presiding Officer as required by the Administrative Code and state law. The second legal notice, which was handled by the County Executive's Office was anticipatory, and that's also been handled.

LEG. CARACCILOLO:

Right. That's the one that I actually have a more of a concern about. I am not certain that was filed in a timely fashion.

MR. BARTON:

As far as the public hearing that was held tonight, I can assure you I will be signing the affidavit of posting, it was handled, and it was posted with the copy of the resolution, and we update that today. There was proper notice for the public hearing.

LEG. CARACCILOLO:

All right. Ordinarily proper notice is deemed to be done in what fashion?

MR. BARTON:

Well, when we have time, this is a Certificate the Necessity, we would normally publish in the two County•wide papers as designated by the Legislature. Certain items also require a local paper, and we designate one in each town. In this instance, because of the time constraints and because it's a local law, we followed the Administrative Code, which requires one hour prior to the consideration and holding of the hearing that we post a complete set of the resolution, the proposed local law, on the Clerk's bulletin board. I went beyond that and also notified the press, and we posted throughout the County in town halls and so forth as we would normally, although it's an abnormal process.

LEG. CARACCILOLO:

I understand that. I spoke to your office earlier, and I'm satisfied that those notices were properly made and filed. My question goes back to this two o'clock deadline.

P.O. CARACAPPA:

There was no two o'clock deadline.

MR. ZWIRN:

I was just going to explain that. I will gladly do it.

LEG. CARACCILOLO:

Well, before you do •• here's the problem I have.

MR. ZWIRN:

It's for the newspaper to publish, it's not.

LEG. CARACCILOLO:

Mr. Zwirn, one minute. One minute, Mr. Zwirn. Here's the problem I have. Two weeks ago at the August 10th meeting, we had a CN before us, 1239, with a memorandum attached from Chief Deputy County Executive, Mr. Sabatino, former Legislative Counsel, wherein he stipulates that the Legislature had to October, I believe it was by, Andrew, refresh my memory, the 16th at that time?

LEG. CRECCA:

August 16th, yes.

LEG. CARACCILO:

Right. Now you argue differently, and obviously you were right and he was wrong. I just find in some what confounding that former Legislative Counsel, Chief Deputy County Executive who is now present, I'm glad to see Paul, stipulated at that time that there was an absolute drop dead day to take an action only to find out subsequently that wasn't the case. Paul, please, you can respond.

P.O. CARACAPPA:

Mr. Sabatino, feel free to come on up.

MR. SABATINO:

There was an absolute deadline, Legislator Caracciolo. If you recall, we go through each year with regard to the referenda. The deadline •• the real deadline in terms of allowing maximum flexibility and latitude for everybody to take all the time they're entitled to under statute is the last week in June. The year •• when you do the arithmetic the deadline would have been June 24th. To the extent that you move beyond June 24th this year, the ability to do things and have control over the process is circumscribed. Each day that goes beyond June 24th, there are less things that you can do.

The significance of June •• of August 16th was that that was a deadline that would have allowed for absolute flexibility on the part of both the Legislature and the County Executive to change the bill right up to the last minute of the vote. The thing you don't have the ability to do tonight is to take the bill that the notices have gone out for and change them even with a Certificate of Necessity right up to midnight tonight. So the absolute deadline that I gave you of the 16th was predicated on two things; one, the County Executive doing something that's not been done in the past, which is accommodate by doing an anticipatory legal notice, which means that the notice for his hearing was sent out before the Bill was actually adopted. What the Charter reads is that the notice goes out after the bill comes to the Legislature in its final form and adopted. So on August 16th, you had the ability to do anything you wanted with a CN right up to the last minute. Today you can vote on the bill with the Certificate of Necessity, but it's based on the bill that filed by the Presiding Officer and Legislator Vilorio•Fisher last Thursday.

LEG. CARACCILO:

Okay. And same question I had raised earlier, in your professional judgment, have all the requirements, legal requirements, notices, been properly posted and complied with by law?

MR. SABATINO:

Yes. I heard the testimony of the Clerk of the Legislature, and I personally verified some of the postings. The forms in terms of today's one-hour emergency hearing was totally proper. I also, to answer the question from before, had faxed out to all 18 Legislators on Friday afternoon a confirmation that we sent the anticipatory legal notice Friday afternoon to the two requisite local newspapers, which won't publish until the 26th, which is next week, because by law, that's when they publish. Our public hearing at the County Executive level will take place on August 30th. As long as the bill is signed before September 2nd, you will meet the deadline for the public referendum.

LEG. CARACCILO:

Okay. And the final question both to you and Legislative Counsel, who I assume prepared this resolution, Paul, first to you, because I know the County Executive was insistent on the provision for if there was to be a TDR component, that it be set aside for affordable work force housing. Why isn't that language in the referendum? Question.

MR. SABATINO:

Because in order to reach a consensus with the requisite number of Legislators, the wording of the proposition basically had to be adjusted to reflect what the sponsors of the bill wanted to see. That language •• it's like all propositions we've dealt with in the past, you know, different people view it in different ways in terms of how they construct it. This particular version is worded more generically.

LEG. CARACCILO:

Okay. I mean, it brings to mind somewhat the LIPA referendum of years ago a lot, where a lot of people look at it with that and the wording in that. I just find it interesting that we're asking the public to support a public referendum to preserve farmland, open space with the ability to transfer development credits for affordable housing, but yet nowhere unless people take the time to read the abstract that's required at each voting facility, will they understand or have knowledge that it's for an affordable housing program. Thank you. Counsel, could you ••

would you like to amplify, verify, differ with Mr. Sabatino?

MS. KNAPP:

No. I think that Mr. Sabatino has said it all.

LEG. CARACCILOLO:

Thank you both.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Paul, I just wanted to ask you one question depending •• according to what you just said in terms of the deadline. What you said is that if we pass this bill tonight, not one iota, not one comma can be changed in that bill because of the deadline issue that we had.

MR. SABATINO:

That was the difference between the 16th of August and today.

LEG. MYSTAL:

So tonight, once we pass it, we cannot change anything whatsoever in it?

MR. SABATINO:

Right.

LEG. MYSTAL:

Thank you.

P.O. CARACAPPA:

Any other questions, comments? Legislator Crecca.

LEG. CRECCA:

I just wanted to add that the absolute deadline the Board of Elections can receive it by state law is September 27th. So there is time.

P.O. CARACAPPA:

Before we go to the vote, everything that Paul said and everything that's been said by Legislators here, it was a process of working together over the last •• since the 16th in an effort to come up with a bill that reflected, I think, the needs of this County, the two largest need of this County and the wants and desires by both the County Executive's Office and Legislators that sit around this horseshoe. And it was through many phone calls and hours of sitting with each other that we came to a consensus, and that's our job, to come to a consensus on the most important facing the people of this County. And we've done this with a bill that we will turnover to the people of the County where they can make an informed choice about. And I believe they will make an informed choice about it. So I give congratulations to everybody involved, Legislator Vilorio•Fisher, Legislator Crecca, our Counsel and the County Executive's Office and the County Executive himself, you did a fine job.

LEG. TONNA:

Is there a motion and a second?

P.O. CARACAPPA:

There is a motion and a second. On the motion, Legislator Tonna.

LEG. TONNA:

I think this is great that we're moving ahead. I'm glad to see the cooperation. And I think that in talking with a number of Legislators, although I voted originally for the first bill, I feel a little better about this one with the stronger language with regard to the work force housing component and the TDRs. What does concern me, if you will allow me for a couple of minutes just to be a little philosophical, is the concern that I hear with the environmental community about some of their displeasure with the bill in its current form that's going to be passed.

I had conversation with a number of representatives, confidential conversations in the sense that they were, you know, personal conversations, but I can glean out of it, and it's a little disturbing to me to think that as one person put it it's the environmental community who •• you know, who's carrying the weight on this issue, they're raising money to lobby the electorate for the passing of this referendum. And they don't like the idea of joining this with probably of our largest issues facing Long Island and definitely Suffolk County, which is the issue of work force or affordable housing. And we had a pretty long conversation.

And I think this is the way of the future, when you can •• the one thing that the environmental community should take solace in is that by a bill in this manner, they are saying where you can't build, which is a good thing. We don't want to build on environmentally sensitive land, we don't want to build in certain areas that, you know, should stay pristine. But, you know, maybe people who are in that purest environmentalist mode that says, you know, these are two separate issues; work force housing and environmental issues and let the work force housing people handle it themselves, carry their own load on issues, maybe they should remember their own battle 40 years ago, 35 years ago when people, you know, didn't have the concern for the environment that they might have today.

And all I would say is that, you know, we really have to do the best we can to stop parochial thinking. This is a bill that goes a long way in being able to put two very, very important issues; one, environmental concern; and secondly, what every one of us know who have young children, with every one of us who knows •• who have •• you know, who are fighting to live on Long Island to afford a house, to pay for, you know, the taxes and the mortgages and everything else, is that work force housing is really probably our biggest problem in the future.

So the environmental community has done a great service not just to the issue of preserving land and keeping and doing the best they can, but also, in being able to piggy back on something that is a service to Suffolk County also. And I just •• I am very, very concerned that those in the environmental community who see them as completely separate issues and kind of we're going to get ours and somebody else has to get theirs, let them do the work.

The only other comment I have is that I would hope on the other side is that there is a bond issue in front of Brookhaven right now, and I think it's pretty much a fait accompli, although I think there's a vote on this week in front of the town board. I would hope that the work force housing, and not necessarily the same, but developers and stuff, don't go out and lobby against that •• that bill. And I think that, you know, what •• you know, under the guise of oh, we need to do •• we need to do the same thing that Suffolk County has done right now. I think that they're two separate issues. They're both already on the road to being passed and moved. I would just hope to think that we can stop thinking parochially, if that's a word and to start to think about, you know, working together on some very, very important issues. And there could be no •• two more important issues than, one, protecting our environmental resources here in

Suffolk County, and two, helping those who are struggling to live on Long Island with affordable housing. Thank you.

P.O. CARACAPPA:

Thank you very much Legislator Tonna. Next is Legislator Bishop, then Vilorio•Fisher.

LEG. BISHOP:

I essentially agree, but before we step up and get up on our high horse and condemn the environmental community, let's remember where they are coming from on this. They essentially invented on Long Island the direct appeal to the electorate to get their agenda through, and they've been very effective at it.

LEG. TONNA:

I thought that was Steve Levy who did that.

LEG. BISHOP:

They've been very effective at it, and it's done Long Island a great service, so I wouldn't come down too hard on them. Also, because what they are skittish about is our poor performance, not just us the Suffolk County Legislature, but elected officials throughout Long Island on taking the lead on educating the public about the need for work force housing. We now have an opportunity and a challenge in the next few months to do that with this referendum.

And I know that I got a memorandum from Presiding Officer's staff regarding newsletters. Well, newsletters are a great opportunity for us to talk to the voters about referendums. I know when I do that, in previous years, I get a lot of thank yous because there's not enough coverage, particularly you think about this year with a Presidential election, about what these ballots propositions are. And I usually try to go through for my constituents what's on the ballot. This would be, obviously, the most important one out there. So I think that this is a challenge for us to show leadership ship in our districts and to push for this, and I will do so.

I'm going to support this bill. I will also say, however, that this may have had a better outcome, because it seems to me that the Pine Barrens Commission, if I'm understanding this correctly, correct me if I'm wrong, is sitting on top of the largest source of TDRs out there, right? And that's from the purchases that have accumulated over the years. And we should have •• if we did this better, and maybe we can do this in years ahead, worked out a deal with

them where they're going to transfer those TDRs to the County, and we could use them, and then we would have had a big source of TDRs without having this controversy. But it is what it is. And we can •• you know, every crisis presents an opportunity, so let's make the best of it and show leadership in our districts and push this to pass.

P.O. CARACAPPA:

Thank you, Legislator Bishop. Finally, for the final word, I'll go with Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

I don't believe that we could have used those TDRs for this program, okay? We can't go retrospectively, it has to be prospective. The question had to appear somewhere in the bond when we bring it out to •• when we present the question to the public. So although that sounds like a good idea, I don't think we could have passed this bond and then gone back and encumbered these acquisitions with TDRs. That is my understanding.

But to go to the question of leadership, which I think is the important issue here. The environmentalists, and one in particular, has a very strong position. He's an advocate for a one particular area of government and concern, and that's his job. As leaders, we have to listen to many voices and many constituencies. We have to listen to working families who can't afford the luxury of homeownership. We have to listen to parents, some of them who are here, including some behind the horseshoe who are looking at the prospect of their children leaving Suffolk County because they won't be able to find a home here. Those of us who are children with parents who are aging and the parents can't afford to stay here because they can't afford homeownership. We have to listen to employers who can't recruit people to come into Suffolk County because there's no place for them to find a home. We have to listen to downtowns who in revitalizing and employing smart growth can't go forward with it because of restrictions on density.

With all of that in mind, we have taken the role of leadership very seriously. We have had made a statement to the people of Suffolk County that our priorities are the protection of our environment, our agricultural heritage, the vistas that make Long Island such a special place and the protection of our drinking water. We have also, through the County Executive's Office and the Work Force Commission, where Legislator Schneiderman and I both sit, we have made it very clear and articulated to the people of Suffolk County that this is part of the vision that

we see as the future of Suffolk County; protecting our environment and having a place to live.

We can have as much as green space as we want, but if our downtowns and our economy can't blossom and grow and our children can't stay here, then who is there to enjoy it? So I want to thank the County Executive's Office and the Presiding Officer's Office for working so hard to make this last version of this bill possible. I want to also reach out to Legislators Alden and Losquadro, who worked very hard on helping to craft this, and of course my cosponsor, Legislator Crecca and everyone who has been so supportive in seeing that we have to take a leadership position here and not being frightened by some •• sometimes advocates become very threatening, and we have to be careful to keep our position as leaders and not be followers.

So I think we've done that, we have come together and stood strong, and I'm very proud of what we have before us. And I hope everyone will be able to support it. And with our strength and our support, I think the people of Suffolk County will see that this is the vision that we need for our future.

P.O. CARACAPPA:

Thank you very much, Legislator Vilorio•Fisher. And also, those credits •• those transfer of development rights credits could be used from the Pine Barrens, because I don't believe they're sewer credits associated with those TDRs with the Pine Barrens. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. You know, initially when I looked at this version of this \$75 million environmental bond act of 2004, I was somewhat reluctant to support it. But upon closer examination and certainly after hearing the articulated previous speakers statements, I have to support this resolution, because neither I or anyone around this horseshoe has a right to deny the voters of Suffolk County the ultimate decision of whether or not to approve \$75 million in expenditures. But more importantly, from a parochial view, representing the areas that I represent; Shelter Island, Southold, Riverhead and Eastern Brookhaven Town, that's where the money is predominantly going to be spent to preserve farmland, and I would say a fair amount as well for open space. So the residents I represent stand to benefit.

The only reluctance I have about this whole matter is that if we're going to write about it in our newsletters, Dave, let's make sure the people understand what the proposition question doesn't

tell them, that TDRs, affordable housing is a major part of the \$30 million price tag that they're approving. I have no problem with that. But the fact that it's not in the resolution is the only thing I wish where so the voters knew exactly what it was they were passing judgement on. Thank you.

P.O. CARACAPPA:

Like I said, last word is Legislator Vilorio•Fisher's and it's hers.

LEG. VILORIA•FISHER:

Thank you, mr. Chair, because it's very, very important that when we are clarifying this for our voters that they know that there's not a price tag on affordable housing attached here, that the TDRs will actually bring revenue, not •• it wouldn't •• they are not buying affordable housing. The transfer of development rights allows us to begin a process, but they are not spending \$75 million on affordable housing. So that has to be very clear.

P.O. CARACAPPA:

Absolutely.

LEG. VILORIA•FISHER:

Thank you.

P.O. CARACAPPA:

Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. VILORIA•FISHER:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18.

LEG. ALDEN:

Just to draw everyone's attention to Paragraph 116, Subsection 210•A, the restriction on the \$75 million, it has to be spent in Islip.

P.O. CARACAPPA:

Thank you, Legislator Alden. Motion to reconsider.

LEG. CRECCA:

That's how we got Cameron's vote.

P.O. CARACAPPA:

Moving on to the next **CN, 1872, (accepting and appropriating \$200,000 in federal funds under the Emergency Shelter Grants Program from the New York State Office of Temporary Disability Assistance to establish a drop•in center for homeless singles).**

Motion by Legislator Tonna, seconded by Legislator Mystal.

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

There's a motion and second already. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's approved. **1873, accepting and appropriating \$71,854 in 100% federal grant funds from the New York State Office of Temporary and Disability Assistance to continue the sanctions intervention project.** Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Moving on to the agenda. Resolution tabled to tonight, Page 8.

LEG. CRECCA:

There's another CN.

P.O. CARACAPPA:

There is?

LEG. CRECCA:

1550? We did it?

P.O. CARACAPPA:

Yeah, we did that first.

LEG. CRECCA:

I'm sorry.

P.O. CARACAPPA:

That's okay. We did the Consent Calender.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

I'd like to make a motion to reconsider from the Consent Calender Introductory Resolution 1708. Just reconsider it and table it for one round, I just want to take a closer look at it.

LEG. CRECCA:

Which one is this?

LEG. FOLEY:

It's on the Consent Calender in my Legislative District, 1708, page five, third resolution.

P.O. CARACAPPA:

1808, motion to reconsider Consent Calender by myself, seconded by Legislator Foley. All those in favor? Opposed? Abstentions? It's now before us once again. Motion to approve the Consent Calender minus 1708, all in favor? Opposed? Abstentions? The Consent Calender is approved minus 1708. There's a motion to take ••

LEG. FOLEY:

I'd like to table 1708 for one round.

P.O. CARACAPPA:

Excuse me Legislator Binder •• Bishop •• Binder.

LEG. FOLEY:

Sounds like a new law firm.

LEG. BINDER:

Mr. Chairman, you had some other Legislation before that you exempted, you might want to

exempt that, 1708, and your other one.

P.O. CARACAPPA:

There was already done.

LEG. BINDER:

No, but since you've brought it back again ••

P.O. CARACAPPA:

I brought it back again, but that other one was already tabled.

LEG. BINDER:

You didn't make a motion.

P.O. CARACAPPA:

Yes, I did. I tabled that other bill separately earlier, I excluded it. Thank you so much. There's a motion to table 1708 by Legislator Foley, seconded by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Going back to tabled resolutions. **1039, (establishing Commission to study alternative form of County Government).** Legislator Binder.

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table, seconded by myself. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1086, (Adopting Local Law No •• 2004, a Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act). Motion to table by Legislator Binder, seconded by myself. All those in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1108, (Amending the 2004 Capital Program and Budget and appropriating funds for the Offsite Access of Public Records). This is a 14 voter.

LEG. CRECCA:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Crecca, seconded by Legislator Carpenter. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

LEG. CRECCA:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

16•2.

P.O. CARACAPPA:

Same motion, same second, same vote on companion resolution.

1109, 1109 A, Amending the 2004 Capital Program and Budget and appropriating funds for the replacements of outdates PCs.

Motion by Legislator Carpenter seconded by Legislator Foley. Roll call.

(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)

D.P.O. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion. **1197, (Adopting Local Law No • • 2004, a Local Law to amend Local Law No. 34 • 1987, to permit seizure of vehicles of unlicensed home improvement contractors).**

P.O. CARACAPPA:

Motion to approve by Legislator Alden, seconded by Legislator Crecca. All in favor? On the motion, Legislator Bishop.

LEG. BISHOP:

What's the standard? I mean, how many violations ••

P.O. CARACAPPA:

Use the microphone, Dave.

LEG. BISHOP:

If either Counsel or the sponsor can just speak to it •• it's been a while since I've heard discussion on this resolution. What's the standard procedure?

LEG. ALDEN:

In this bill, I didn't make it mandatory. So basically, he's not a commissioner, he's a director. If it's somebody that's habitual as far as being, you know, summonsed a couple of times, he can actually seize their vehicles. Also, if they are going to run a sting operation, it would give the DA plus our Division of Consumer Affairs the ability to include that in the sting. So they would make provisions to seize tools of the trade and vehicles and things like that.

LEG. BISHOP:

And it's only for offenses related to the job itself, the profession?

LEG. ALDEN:

If you are unlicensed and you're doing home improvement contracting in Suffolk County, those are the people that can be summonsed, arrested and also have their vehicles ••

LEG. BISHOP:

All right. But I'm a habitual J•walker, you can't seize my truck.

LEG. ALDEN:

Right. No.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

To the sponsor, I have some serious problem with this bill simply because I don't think there are any standards attached to this bill in terms of what the offenses are what •• and how many offenses ••

LEG. ALDEN:

The offense is •• it's actually spelled out it in there. If you don't go out and obtain a permit with the proper insurance and the proper procedures and follow the licensing requirements of Suffolk County, if you're out there doing home improvement work, which you can go to jail for anyway, now you cannot only go to jail and get a dollar amount on your summons, now you can have your vehicle seized so that you don't go out and practice again illegally.

LEG. MYSTAL:

So the way I understand this, some neighbor, somebody in the neighborhood called somebody that then who can fix a toilet bowl for them, and they go out and fix the toilet bowl and the person is not satisfied, he'd report it to the Consumer Protection and a couple of these offenses, and the guy comes in and says, "Okay, your vehicle is going to be seized, because these two people" •• "because you're not licensed because you fixed a bathroom," and now he can't go to work and he wind up being a homeless person and forced to take care of, so just to let you know.

LEG. ALDEN:

To rephrase that ••

LEG. MYSTAL:

I'm going to leave it alone. I just don't think •• to me, the bill doesn't have enough standard for me to deal with. I would like more standard as to what the offenses are, how many times, and how long, you know, the person can lose their vehicle, and what recourse they have. I don't •• you know, those kind of things.

LEG. ALDEN:

Just to clarify one point, in Suffolk County, if you go out one time and you're out there in a vehicle and you're performing contractual work without a license, you can go to jail. So, this protects homeowners, this protects the consumer, this protects the citizens of Suffolk County.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. MYSTAL:

This bill is not needed, then, because you just want to take the car now.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

As many of you might know, I was on one of the Occupational Licensing Boards for a number of years and it dealt with this issue continuously. And we tried to do two things. Number one, to get the unlicensed contractors to come in and seek a license, not to prevent them from getting a license in the future. And, if you took a person's vehicle away that he needs to do the contracting work, I think that's probably •• I mean, the license is really useless to him, then. So, I think that kind of goes against that standard.

The second thing, we always encouraged higher fines, but tried to find an equilibrium. If the fine was too excessive, especially at an administrative hearing, the guy wouldn't pay. You know, he would •• it would pay him to get a lawyer and we'd wind up in a protracted legal

battle, so we tried to find a happy medium where the fine would sting enough, but it wouldn't •

- it wouldn't necessitate a legal action to protect themselves. And, again, I think if you took their vehicle, we would wind up in court an awful lot.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

I'm not so sure Consumer Affairs has the power to fine someone who doesn't have a license. But regardless of whether they do or they don't •• okay, I'm being told they do, but the reality is, is I've had a number of unlicensed contractors who have preyed on both the elderly and other people. And I've got to say that the bill has a lot of due process built into it, independent magistrate who has to do these hearings.

I have a tremendous trust in our Director of Consumer Affairs, that he's not going to be going after somebody who's fixing a toilet bowl. You know, we've got people who have lost their homes, we have contractors who have literally stole 50, \$60,000 from one homeowner or elderly person, and if this is another tool we can use to protect those people and protect the people of this County, I think it's incumbent upon us to use that tool.

P.O. CARACAPPA:

Thank you.

LEG. CRECCA:

I'd encourage you to vote for it.

LEG. MYSTAL:

Question for Counsel.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Is this •• can the Department of Consumer Protection, Department of Consumer Affairs, can

they legally constitutionally seize somebody's private property?

LEG. NOWICK:

If used as an instrument of a crime.

MS. KNAPP:

Well, the ••

LEG. MYSTAL:

Instrument of a •• no.

MS. KNAPP:

The bill is modeled very closely after the DWI seizure bill ••

LEG. MYSTAL:

Yeah.

MS. KNAPP:

•• that the courts have looked at, and the only problem that we've encountered so far legally was that we did not have a neutral magistrate, so we amended the DWI seizure bill to include that. This bill does require the hearing to be before a neutral magistrate. It does not have a predicate offense like the DWI does, but, on the other hand, this one is permissive in that the seizure is not •• I mean, it's not mandated, it's within the Director's ••

LEG. MYSTAL:

Yeah. See, that's one thing.

MS. KNAPP:

And then the County Attorney actually ••

LEG. MYSTAL:

See, that part bothers me, the nonmandated discretionary. In other words, somebody from Smithtown would get away with it and somebody from Babylon will not.

LEG. CRECCA:

You know, you guys got to stop picking on Smithtown. We pay a hell of a lot of taxes in this County; okay?

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Is there any other jurisdiction, state or local, that seizes property for •• I don't even •• is a license without a license a felony?

LEG. ALDEN:

No, it's a misdemeanor, and I can answer that. Yes, if you •• say, for instance, you have a yacht and ••

LEG. BISHOP:

I do, I have several.

LEG. ALDEN:

Right. And you invite ••

LEG. CRECCA:

Hence the clothes.

LEG. MYSTAL:

He works for Tonna.

LEG. ALDEN:

If you invite •• if you invite guests on ••

LEG. TONNA:

Ones that you do not used in the bathtub, Dave.

LEG. ALDEN:

•• and the guests come on with drugs and those drugs are found on your yacht, they could

seize the yacht. If you go and commit a crime ••

LEG. MYSTAL:

It's a felony.

LEG. BISHOP:

I don't think you have to bring up ••

LEG. ALDEN:

No, I'm just bringing up a couple of ••

LEG. CRECCA:

Don't bring up his drugs and his yacht.

LEG. BISHOP:

Somebody comes onto my yacht with drugs, I guess somebody's committing a felony, I would assume.

LEG. ALDEN:

No, a misdemeanor, and your vehicle would be seized.

LEG. BISHOP:

And I would lose the yacht.

LEG. ALDEN:

Yep.

LEG. TONNA:

I love to find lawyers who ••

LEG. BISHOP:

Wow, that's quite a case. Does that happen?

LEG. TONNA:

•• the difference between a felony and a misdemeanor.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

Well, anyway ••

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

If that has happened, that doesn't sound like a lot of justice there. I mean, somebody comes onto my yacht, one of my yachts ••

LEG. NOWICK:

Starting to feel good, huh?

LEG. BISHOP:

•• with a small amount of drugs, because it's only a misdemeanor, and I lose the yacht and I don't even •• it's not even my drugs.

LEG. CRECCA:

So, only invite people ••

LEG. BISHOP:

I don't know that's the model we want to follow, but ••

LEG. CRECCA:

Only invite people with a lot of drugs.

LEG. BISHOP:

I just •• it seems to me that this would be ground•breaking, would it not? I mean, not that we're scared of being ground•breaking in this body, but maybe it should give us pause for concern.

MS. KNAPP:

I believe New York City has something similar in terms of contractors' vehicles.

LEG. TONNA:

Aha.

MS. KNAPP:

I think that that was the model that I looked at.

LEG. MYSTAL:

You believe or you know?

MS. KNAPP:

New York City does have it.

LEG. MYSTAL:

Do I want to follow New York City?

LEG. BISHOP:

Well, no. I mean, that actually is helpful. I mean, I would •• I wish I had more time with this to see what the experience of New York City is? Maybe it •• maybe it is a good idea.

LEG. MYSTAL:

Could you consider tabling that for one round, so we ••

LEG. ALDEN:

Actually, I tabled it for 16 rounds and ••

LEG. BISHOP:

There was no discussion.

LEG. ALDEN:

Well, there was. There was discussion when I originally brought it out, and then the County

Attorney's Office gave me a whole bunch of, you know, precedent, and things like that, and things that they'd like to see in it. I incorporated that into the bill, and it was ••

LEG. BISHOP:

I'm sure you've done a good job with it. I just •• I have done a poor job, because I didn't realize it was going to come up for a vote.

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

You were on your yacht.

LEG. BISHOP:

Because I was on my yacht.

LEG. ALDEN:

Smoking dope.

LEG. CRECCA:

You know, you could ••

P.O. CARACAPPA:

Legislator ••

LEG. CRECCA:

You could make up for it by voting yes on it now, Dave.

LEG. BISHOP:

But I would like to ••

P.O. CARACAPPA:

Legislator ••

LEG. BISHOP:

•• learn more about, because it's interesting ••

P.O. CARACAPPA:

Legislator Cooper. Legislator Cooper.

LEG. BINDER:

I'd just stop talking at some point.

LEG. COOPER:

I was just pointing out to my Aide that this is all on the record, and in print, no one can tell that we're joking here, so we should be ••

P.O. CARACAPPA:

Yes, absolutely.

LEG. TONNA:

Wow.

LEG. MYSTAL:

As a matter of fact, this sounds like a bill Cooper should be introducing, not Alden.

P.O. CARACAPPA:

All right. We've got a lot of work to do still.

LEG. ALDEN:

Roll call, come on.

LEG. TONNA:

Jon, do you have a yacht?

P.O. CARACAPPA:

There's a motion and a second. Roll call.

LEG. COOPER:

I'm sorry, I had a question.

P.O. CARACAPPA:

Oh, you do have a question. Go ahead.

LEG. COOPER:

I do of the sponsor. What is the procedure for the vehicles that are seized, will they be sold at auction? And hadn't there been a problem, I don't know if it was Suffolk County or Nassau County, where there were vehicles I think that were seized because of DWI, where they were piling up in the lot and rusting because the County didn't move to auction them off?

LEG. ALDEN:

Nassau County had a problem, because they didn't follow due process. This actually lays out the due process. A neutral hearing examiner will look at this, or hearing officer will look at this. There'll be notice, the whole nine yards, as far as constitutionality of it. And then, if in the end result the contractor loses his vehicle, Suffolk County will include that with one of the auctions of either, you know, the crashed vehicles, the ones that we seized for DWI, other types of surplus vehicles, it would be included, that money would go into Suffolk County.

LEG. COOPER:

Okay.

LEG. MYSTAL:

For the lawyers ••

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

This is, again, for Counsel. Is it possible, you know, since the lawyers, there are not lawyers around here, could the instrumentality law be stretched out to somebody who houses tools of the trade in his garage and his property, can be seized by the same way? To me, you know, like if you say his vehicle can be used ••

LEG. ALDEN:

I can answer it. If somebody goes and is hiding it in the garage, you're going to need a magistrate to issue a warrant to go onto that property, so ••

LEG. MYSTAL:

I know, but I'm saying that ••

LEG. ALDEN:

But they could do that with or without this.

LEG. MYSTAL:

But what I'm saying, again, let's say a home improvement guy who's unlicensed, but has tools in his garage that he uses to fix houses and then ••

LEG. ALDEN:

You can't under this, but a judge could issue a warrant to go in there and seize those as an instrumentality of a crime.

LEG. MYSTAL:

Rockefeller drug laws extended to home improvement. Okay. All right.

P.O. CARACAPPA:

Okay. Legislator Montano.

LEG. MONTANO:

I just had a question. Counsel, with respect to Paragraph 1, it says any vehicle and any tools of the trade, so •• which constituted an instrumentality of an offense. Does that mean the private vehicle or the vehicle that would be used in terms of the home improvement business? I just want to be clear on that. Are we talking about taking all the cars that the person owns?

MS. KNAPP:

The definition of the instrumentality of an offense is a vehicle and the tools of the trade contained therein whose use contributed directly and materially to the commission of an offense described ••

LEG. MONTANO:

So, if a person drove their vehicle to the job site, their private vehicle, we would seizing that vehicle, as opposed to a truck that they use ••

LEG. CRECCA:

No.

LEG. MONTANO:

I'm asking the question.

MS. KNAPP:

I think the vehicle that contributed directly and materially. If they drove the family car and they performed home improvements without a license, I think that that would be the vehicle that would be subject.

LEG. MONTANO:

So, in essence, if the vehicle is registered to the husband, but it's used by the husband, and the wife, and the children, and he uses the car for purposes of a home improvement job and he doesn't have a license, we're going to take that vehicle.

LEG. ALDEN:

Actually, yes. And say, for instance, he's got a crippled relative that he takes to the hospital for treatments and he goes out and commits a crime in Suffolk County, that actually may deprive somebody of their ability to house and bring up their children ••

LEG. MONTANO:

You could take the vehicle, but I'm not going to vote for it.

LEG. ALDEN:

Oh, no, don't.

P.O. CARACAPPA:

Okay. There's a motion and second. Roll call.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

There's a motion to table.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Second. Roll call.

LEG. CRECCA:

Roll call on the tabling.

P.O. CARACAPPA:

Yeah, roll call on the tabling.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes, please.

LEG. MONTANO:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No. No to table.

LEG. CARACCILO:

Nope.

D.P.O. CARPENTER:

(Not Present)

P.O. CARACAPPA:

No.

LEG. COOPER:

No.

LEG. TONNA:

No.

MR. BARTON:

Four. (Not Present: D.P.O. Carpenter)

P.O. CARACAPPA:

It fails. There's a motion and a second to approve. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's approved. Moving on. ***1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax).*** Motion to table by myself, second by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

1330 (A Charter Law adding Article XII•B to the Suffolk County Charter to establish the 2004 Suffolk County Farmland Preservation Fund).

LEG. CARACCILO:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Caracciolo. This is ••

LEG. MYSTAL:

I thought that was •• on the motion.

P.O. CARACAPPA:

Just a second.

LEG. MYSTAL:

On the motion.

LEG. CARACCILO:

Another 50 million for Islip.

P.O. CARACAPPA:

This is •• this is your bond, this is your ••

LEG. MYSTAL:

Isn't this •• isn't this dead?

LEG. TONNA:

Is this money? Is this real money?

P.O. CARACAPPA:

This is the second bond. This was the original bill.

LEG. TONNA:

All right. Are you withdrawing that bill?

LEG. MYSTAL:

Isn't this dead already?

LEG. CARACCILO:

Not the original.

P.O. CARACAPPA:

Oh, not the original, but this another ••

LEG. TONNA:

Are you withdrawing it?

P.O. CARACAPPA:

Legislator Caracciolo, if you would.

LEG. TONNA:

Are you going to withdraw it?

P.O. CARACAPPA:

Was there a second? Wait. Before you do, is there a second? Okay. Fails for lack of a second. ***1454 (A Local Law strengthening anti•corruption laws for County contracts).***

LEG. CARACCIOLO:

Cameron, I tried.

LEG. COOPER:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Cooper.

LEG. LINDSAY:

Explanation, please.

P.O. CARACAPPA:

Is there a second?

LEG. VILORIA•FISHER:

I'll second.

LEG. FOLEY:

Second.

LEG. TONNA:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Foley. Legislator Cooper, if you would.

LEG. COOPER:

This law would strengthen anti•corruption laws that are currently on the books. Right now

there's a probation of three years for any individual or company that was convicted of certain ••

P.O. CARACAPPA:

Didn't we say do it forever? Like, why give them three years? Did you fix it?

LEG. TONNA:

Constitutionally, I don't think ••

LEG. COOPER:

Legislator Binder wanted a lifetime ban.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

I proposed ten years instead of three years. I spoke with Legislator •• Legislative Counsel and she has the same concern, that if we go beyond ten years, there would be constitutional problems.

P.O. CARACAPPA:

Okay.

LEG. COOPER:

So, anyway, I'm remaining at ten. If Legislator Binder would like to submit his own resolution to ••

LEG. TONNA:

The Legislature should think about that, that might hurt some people.

P.O. CARACAPPA:

Past Legislators. There's a motion to approve and second. All in favor?

LEG. LINDSAY:

No. Wait a minute.

P.O. CARACAPPA:

Oh, Legislator ••

LEG. LINDSAY:

Just a question.

P.O. CARACAPPA:

Legislator Lindsay, my apologies.

LEG. LINDSAY:

Is it restricted just to someone that's been convicted of bribery?

LEG. COOPER:

No. There are actually 11 offenses that are listed, extortion, bribery, sabotage, bid•rigging, coercion, fraud, violence related to business, labor, or commerce, restraint of trades, conspiracy, and attempts at any of the above.

LEG. ALDEN:

Well, that's three•quarters of the Legislature.

LEG. TONNA:

Does that •• just on ••

P.O. CARACAPPA:

Wait, hold on. Legislator Lindsay.

LEG. TONNA:

That means anybody on any commissions and stuff, too?

P.O. CARACAPPA:

Legislator Lindsay, you had the floor.

LEG. LINDSAY:

No, I'm done.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. Does it prevent people from being on any commissions or being ••

LEG. COOPER:

No, that's a separate resolution.

LEG. TONNA:

Let's say ••

LEG. COOPER:

That's a separate resolution.

LEG. TONNA:

•• an ex•Legislator, can he be on a planning board or something?

LEG. COOPER:

That law was laid on the table today.

LEG. TONNA:

It was?

LEG. COOPER:

Yes.

LEG. TONNA:

Okay. I'm glad you're thorough in this. I feel much safer in Suffolk County ••

P.O. CARACAPPA:

Okay.

LEG. TONNA:

•• now that your anti•corruption ••

P.O. CARACAPPA:

There's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BISHOP:

What happened?

LEG. MYSTAL:

Wait, wait, wait, wait, whoa.

LEG. BISHOP:

What happened?

P.O. CARACAPPA:

It was approved.

LEG. MYSTAL:

1454?

MR. BARTON:

Yes.

LEG. MYSTAL:

I'm opposed to this.

MR. BARTON:

Okay.

P.O. CARACAPPA:

One opposition.

MR. BARTON:

Anybody else in opposition? 17•1.

P.O. CARACAPPA:

1458 (Amending the ATV Task Force to add two additional members).

LEG. MYSTAL:

I don't believe in Cooper's law.

P.O. CARACAPPA:

Is there a motion? 1458?

LEG. CARACCCIOLO:

Yes.

LEG. BISHOP:

Motion.

P.O. CARACAPPA:

1458, Legislator Caracciolo? ATV Task Force.

LEG. CARACCCIOLO:

Oh, motion to table.

P.O. CARACAPPA:

Table, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18. It's tabled.

P.O. CARACAPPA:

1500 (A Local Law to reform the awarding of Suffolk County Government Contracts to restore public confidence).

LEG. BINDER:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Binder.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Explanation.

LEG. CARACCIOLO:

Binder.

P.O. CARACAPPA:

Please, Counsel.

MS. KNAPP:

Sorry. This local law would prohibit solicitations of political contributions by certain exempt County employees, and they include, I believe it's department heads. Let me find the section, so I'm ••

P.O. CARACAPPA:

Aides.

MS. KNAPP:

Yeah, Legislative Aides certainly are included in it. Certain exempt employees to solicit contributions of money, and for purposes of this, an exempt employee is defined as a commissioner, a deputy commissioner, an assistant commissioner, a director, deputy director, assistant director, any exempt employee of the County Exec's Office, any exempt employee of

the County Legislature, any exempt employee of any individual County Legislator, and any exempt employee of the County who makes recommendations or decisions regarding contracts.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Okay. So, this is 1500.

P.O. CARACAPPA:

You're having trouble today over that way. Sorry.

LEG. BISHOP:

It's a little raucous on the •• on your •• to your left here. This says that all those people that Counsel articulated can't solicit on their time after business hours off County property?

LEG. VILORIA • FISHER:

That's what it says.

LEG. BISHOP:

That's the implication of this? Okay.

P.O. CARACAPPA:

You have to ask the sponsor or Counsel.

LEG. BISHOP:

Well, I'm asking Counsel. I'd rather get ••

MS. KNAPP:

The question was yes, on their own time.

LEG. BISHOP:

On their own time, off County property, to people off County •• they are not allowed to solicit contributions for political candidates.

LEG. TONNA:

Put me on the ••

LEG. BISHOP:

That's the ••

P.O. CARACAPPA:

Gothcha.

LEG. BISHOP:

Well, I think this •• it sounds like it's a good idea, but it's actually a terrible idea. And what it's going to do is take away any independence of any elected official in this body, because you'd invariably have to rely on the parties for all your funding.

LEG. CRECCA:

I'm being lobbied heavily by the Aides in the back.

LEG. BISHOP:

Yeah, of course, they love it. The practical ••

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

The practical realities are that you're •• that, often, your Legislative staff is when they're off business hours after work become part of your team, and your team has to get a lot accomplished. And I don't know how this is going to strengthen any integrity. The integrity runs to you, as the Legislator, and not to the people who are the functionaries who are just making phone calls and putting labels on things. This is •• this is window dressing and it's not substance, and I would ••

LEG. MYSTAL:

Chair.

LEG. BISHOP:

•• urge the tabling.

P.O. CARACAPPA:

There's a list.

LEG. MYSTAL:

I would ••

P.O. CARACAPPA:

There's a list. Legislator Mystal.

LEG. MYSTAL:

The strongest ••

P.O. CARACAPPA:

There's a list. Sorry. Legislator Montano, Tonna, Mystal, Carpenter.

LEG. MONTANO:

I just have a question with respect to this bill. I just want to be clear. For instance, if I were holding a fundraiser and one of my Legislative Aides asked her mother to buy a ticket, would she be violating this provision?

LEG. BISHOP:

Oh, yes.

P.O. CARACAPPA:

Yes.

LEG. CRECCA:

Absolutely.

LEG. MYSTAL:

Absolutely.

LEG. ALDEN:

And they could seize her car.

LEG. MONTANO:

And they'll seize the car next, right. Thank you. At least we're on the same page.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Just a couple of things. First of all, Legislator Bishop, after hours, your Legislative Aides were a part of my team. Anyway, but they said they would rather work for somebody that they believed in. But the •• anyway, the thing that •• the thing that this bill, I just •• we already have enough right now. We have a District Attorney who's actually fighting real crime and real corruption. We have •• you know, we don't need new bills that are just going to now blur lines and take innocent, good•meaning people who want to help, you know, whether it be an elected official, or somebody else like that, because they •• and make it a crime. I just think that we have pretty good rules on the books right now.

Legislator Bishop is absolutely 100% correct about the effect that it will have in empowering the political parties. And to tell you quite honestly, one of the great things that Suffolk County has prided itself on is its independence and where •• you know, from time to time, some people have caved over years past, have caved to the pressure of political parties. That's not a phenomenon that I've seen much lately, and it's because we're basically an independent group of people. And so, I would say, in all fairness and honesty, we should just vote this bill down, get it over with, all right, and move on to things that are much more pressing.

P.O. CARACAPPA:

Thank you. Legislator Mystal, and then Carpenter.

LEG. MYSTAL:

I only have a short comment. I want to commend Mr. Binder, because he has finally gotten the ears and the respect of all Legislative Aides. Having been one until recently myself, I understand. I want you guys to know, we understand your feeling.

P.O. CARACAPPA:

We feel your pain.

LEG. MYSTAL:

We feel your pain, but ain't no way.

P.O. CARACAPPA:

Legislator Carpenter, then Lindsay.

D.P.O. CARPENTER:

To Legislator Montano's question about his Aide's mother, he ••

P.O. CARACAPPA:

And her car.

D.P.O. CARPENTER:

Not her car. His Aide could not ask her mother to buy a ticket, but it would not preclude him from asking her to buy a ticket, or her receiving a solicitation for a ticket; is that ••

LEG. CRECCA:

That's correct.

LEG. BINDER:

That's true.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

Yes, I think that's fair to say, yes.

D.P.O. CARPENTER:

And then something, I think it was when Legislator Bishop was speaking about the bill, he made some comment about people that volunteer to stuff envelopes. Would they be precluded from volunteering in that fashion, say, at a campaign headquarters from ••

MS. KNAPP:

It does not limit itself to direct face•to•face solicitation, so that to the extent that they participate in a mail solicitation, I believe that would be covered.

D.P.O. CARPENTER:

So, basically, it's •• you're talking about soliciting people for contributions, not volunteering on behalf of the elected official.

MS. KNAPP:

Well, they can certainly still stand at a railroad station and hand out a flier.

D.P.O. CARPENTER:

Okay.

MS. KNAPP:

They can send out •• they can send out mailings, they just simply cannot ••

P.O. CARACAPPA:

Donate.

MS. KNAPP:

•• solicit contributions of money or any other thing of value, but they can •• they can send out the things that people send out during election time.

LEG. VILORIA•FISHER:

Requests for money, they send out requests for money.

P.O. CARACAPPA:

No. Right. Okay. Legislator Lindsay, then Crecca, then Montano.

LEG. LINDSAY:

If you look around this horseshoe, you see the face of Suffolk County, you see school teachers, and cops, and construction workers, and attorneys, the people that work hard for a living, basically, what makes up this County. If you pass this bill, you're going to severely limit the ability of common working people to run for public office, and you're going to turn over the authority to the parties and to rich individuals that don't need to raise public money in order to run for office.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. Legislator Lindsay, I disagree with you for this reason. Those people you're talking about, the only people this really affects are sitting Legislators and sitting elected officials, because our employees and the County employees are not the ones who are out there helping the new guy come in, they're trying to keep us in office. And the bottom line is, is, you know, I think that it's a good line to draw.

And I'll be the first one to admit, my staff has worked on my fundraisers, as well as my campaigns, and the bottom line is, is that while they could still work on campaigns on this and fight for the issues and go out and knock on doors and ask for votes, I think it's a good line to draw, and I'll tell you why, because the bottom line is I can tell you that my employees, who most of you all know and respect very much, they're uncomfortable doing that, making those phone calls for fundraisers at night or on their lunch hour, you know, asking people for money. And, quite frankly, I think it does put them in a compromising position or and uncomfortable position. The fact of the matter is we all can find other people to do that task, to send out fundraising notices, and for that one aspect of the job that we do outside of here. Let's keep our employees, let's keep our exempt employees doing government business and talking about issues, and not have them worried about them filling our campaign coffers. The fact of the matter is, as incumbents, we have an advantage already to raise money, we don't need this extra advantage of using County employees to do.

LEG. MYSTAL:

Well said, Judge Crecca.

P.O. CARACAPPA:

There's a long list.

LEG. MYSTAL:

You don't need us no more.

P.O. CARACAPPA:

Legislator ••

LEG. CRECCA:

And, Allan, this does exempt judicial candidates; correct?

P.O. CARACAPPA:

Legislator Montano, then Tonna, then Foley, and then Schneiderman.

LEG. MONTANO:

Actually, Legislator Carpenter, my Legislative Aide's mother lives in Peru, so I don't •• I won't be soliciting. But the reality is, and the seriousness is that the •• we shouldn't be imposing upon any Aide a mandate that they have to go out and raise funds. But the reality is that, and I think it was Legislator Tonna that said this earlier, that this bill, if somebody wants to work on the campaign and all aspects of a campaign for me or anyone else, they should be allowed to do so freely. And we don't •• I think there are rules that already prevent us from forcing Aides, County workers, anyone else from doing things that they don't want to do. We don't need another bill like this to be prying into Legislative affairs.

But the reality is, and I think it was Legislator Tonna that said it, that this bill simply empowers both the parties to have the advantage and to pick the kinds of people that they want to represent their interests. I think that we're free to do it, as long as we're not violating the law. We have the DA, we have •• you know, we're passing a lot of bills and I think sometimes we're going too far in our zeal to try and correct problems that may or may not exist.

I don't think •• I think this bill goes too far. I think that we should vote this down. The

employees, if they want to •• if they want to work on a campaign, that's their business, we're not forcing them. It just seems to me not the right way to go. We're dealing with issues that, for political purposes, sound good, but the implementation I don't think is there, and the need for this kind of bill is not there. We have enough laws on the books to these issues.

P.O. CARACAPPA:

Thank you. Legislator Tonna, Foley, Schneiderman, Alden, Binder.

LEG. TONNA:

Just •• and thank you, Legislator Montano. Just think about it. I'm thinking about this. You have somebody who •• we already have clear rules on the books, you're not allowed to do any soliciting, you're not allowed to do any campaigning, you're not allowed to do anything in a governmental office, that's good enough. What are we going to do, now we're going to legislate what people want to do in their private lives? That's absolutely ridiculous, and I'll tell you why it's ridiculous. It's ridiculous because, existentially, think about it, you have somebody who says, "Okay, I'm involved in a campaign." A lot of times we have our Aides, I receive my Aide from somebody who worked on my campaign, and then said, "Hey, you know what, I'd like to" •• "I'd like to, you know, continue, I'd like to do more, I believe in what you're doing sometimes," and when •• you know, my Aide, you know my Aide, when he doesn't believe in what I'm doing, he says, "My position has changed." Anyway, but the fact is, is that, existentially, it just doesn't make sense. Our District Attorney already needs tons of overtime, all right, following up the real criminals. We don't have any ••

LEG. BISHOP:

What does existentially mean?

LEG. TONNA:

What? Existential? From a standpoint of just try to imagine how it really works in real life. It won't. It only •• now it only creates another layer of a whisper campaign and gossip, and everything, "Can you believe?" It's bad enough that we hear things like, "Can you believe somebody's doing the work in their Legislative office," "Can you believe that Legislator so and so has on their computer this, this and this," "Can you believe that". That's bad enough as it is. All right. The rules are clear. Now we're going to say, "Can you believe that somebody at their home, on their home computer, is actually, you know, sending out or soliciting somebody

for a fund•raiser?" Somebody's on the street and they say, "Hey, you know, there's a fund" •• "Oh, yeah, yeah, my Legislator has •• you know, is having a fund•raiser, I'm going to come on" •• you know, "I hope you got there," or something like that. Bang, they just committed a crime. Give me a break. This is ridiculous. This is 1984 stuff; all right? This is "Big Brother" watching you when we already have a District Attorney doing a pretty good job with the real bad guys, with the real criminals, with the people who really cross the line. Let's not •• let's not legislate ourselves into, you know, ridiculousness and put our Legislative Aides, all right, who might want to work on a campaign, or anything else •• hey, if you're forcing somebody, shame on you.

Legislator Crecca says "Well, you know, the staff, they shouldn't be forced," they shouldn't be forced. If somebody doesn't want to work a campaign, if somebody doesn't want to fund•raise, they shouldn't do it. Actually, you know what, you don't want them to do it, because they're probably doing a lousy job of it, so •• if they don't want to do it.

So, all that I'm saying is, please, let's not go into the minutia of people's personal lives and now •• you know, maybe we should do this thing where that film with crews, where we can get them before they even commit the crime. All right? We can get them, you know, when they're thinking about it. What was that called again?

LEG. COOPER:

Minority Report.

LEG. TONNA:

Yeah, Minority Report. Let's get them before they commit the crime. That's our next thing we're going to legislate.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman, and the point is well taken. The fact remains that if this legislation were approved, it would greatly diminish the independence of us as office•holders. There was a period of time in many of our political lives when we had a, let's say, a weak political party, and that it was really incumbent upon us to do our own fund•raising. And if this was in place over the years, a number of us would have had a much more difficult time getting our message out

and getting out a message of independence, getting out a message of serving the public if we had these restrictions in place. Conversely, we can look in the past and look into the future, that those, let's say, overreaching political leaders would love to see this kind of legislation approved, because, as Legislator Lindsay mentioned earlier, this will empower the bosses of any political party and weakens those elected officials who are trying to exercise some independence.

So, in a very strange twist of fate, this resolution is not reform-minded. What it does, in fact, is make elected officials more account •• not accountable, make elected officials more subservient to the party for raising funds, so, it's the opposite of reform. It will harken back to the days when around this horseshoe, there were a number of Legislators that were subservient to political bosses and that affected the way that they voted.

So, this is complete opposite of reform. I hope that we can defeat this today, because it should be clear to all involved, after people have spoken about this, that this would have the opposite effect of what it's supposedly •• otherwise how it would supposedly impact us. So, I would hope that we can vote this thing down, because it is not reform at all. It's going to weaken Legislators and it's going to weaken us, vis•a•vis the political power structure of any given political party.

P.O. CARACAPPA:

Thank you, Legislator Foley. There's a bunch more speakers. I tried •• ask all of you to •• if the point hasn't been made already, then make the point. If it's been said already, we're just trying to get going here. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I've been listening carefully to all your arguments. I went into this one not knowing how I'm going to vote, and still not knowing quite how I'm going to vote, but I will say this. Having been on •• you know, running for this office not that long ago and running against a standing Legislator, and, you know, who did use his staff, you know, were involved in his campaigning, and for me •• maybe he wasn't. It's very hard on the outside to establish when they're on the clock and when they're not. Legislative staff, they work out in the field. Although they may have, you know, certain amount of hours that they're supposed to work, it's very hard from the outside to follow whether they're actually on the County clock, or being paid by taxpayer funds

or not.

Though •• you know, I do appreciate, you know, Legislator Tonna's comments, that, you know, are we infringing, basically, in people's, you know, outside times. If they're legitimately not on the County clock, should they be allowed to basically support whoever they want to support politically, and I think that's a strong argument. But, you know, from an ethical perspective, I don't want the appearance of an impropriety, you know, so I'm pretty conflicted on it.

P.O. CARACAPPA:

Okay? Legislator Alden.

LEG. ALDEN:

Imagine if you could stop somebody before they went out and drove drunk and killed your father, your son, your brother, your sister, or before they committed that murder, or went in the bank and, you know, in the course of maybe committing a crime, if they didn't figure they were going to kill somebody, actually did kill somebody. So, there might be some merit and some time developing something that •• or technology that would prevent that.

But, getting to the bill itself, what a great message this would send to the public, that there's no question that we're abusing our office, and there's no question that we're stacking the deck against you. It's going to tell everybody out there, anybody that wants to run for public office, "You've got the same shot that we've got. We can't use our employees, which are on the clock for us at some point in time, we can't use them against you." And it would take all that guesswork out of it. If they're out there raising funds, they shouldn't be doing that. So, that would be a violation at either Board of Elections or the DA would have to pick up on. But I think this would send a great message to the public that the playing field would finally be leveled, and that people that were abusing it would be very apparent that they were abusing what their powers would be and what the law would allow them to do.

P.O. CARACAPPA:

Finally, Legislator Binder.

LEG. BINDER:

Thank you, Mr. Chairman. It's a good thing that the herring is a kosher fish, because I can recognize a red herring when I hear it. The red herring that we're hearing is that it would

strengthen the parties at the expense of individual Legislators. Now, for instance, Legislators •• well, we'll talk. There's two sides of the street, there's Legislators and the Executive. On the Legislators' side, we're talking about three people that we have in our offices, not ten, not twenty, not a huge phone bank, three people.

Number two, I would think that Legislators who are in, who are elected officials, who are doing things in the community will have volunteers, volunteers outside of the party, outside of their office, and so I would think that Legislators can make some calls to some people and say, "I need your help, I need you on the phones, I need you to reach out for me to help me get elected."

The point that Legislator Alden makes is an important one. There are no staff for those who were trying to seek office who don't currently hold that office. So, they don't have this question, and not a problem, they don't run into this.

On the Executive side, I know that I've heard for sometime, and I heard it a lot this year, but I've heard that for sometime from people who want contracts with the County, that their arm is being twisted pretty tightly and they want contracts. And they know, or they at least understand, that there could be some connection, even if it's not overtly said, because the person talking to them and soliciting them has jurisdiction, control, the ability to make the decision, and that's an appearance of impropriety that government doesn't need. It's clearly just, if nothing else, it's the appearance of, but I think, in fact, is improper.

So, I think we have an opportunity to get rid of this appearance, and the cost to Legislators you're talking is up to three people. I think we should do it, I think we should do it today, and I think we should make this reform. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Thank you, Legislator Binder. Mr. Zwirn, if you ••

LEG. BINDER:

Is this is a debate or ••

P.O. CARACAPPA:

No, it's not.

LEG. BINDER:

Well, this is a debate. Has anybody asked •• he didn't ask to come up. I mean, I don't understand.

P.O. CARACAPPA:

I'm just about to ask ••

LEG. LINDSAY:

I'm asking.

P.O. CARACAPPA:

I'm just about to ask him.

LEG. BINDER:

All right.

P.O. CARACAPPA:

He wants to say a few words on the bill. I haven't given them the time to speak, as our agenda dictates, so go right ahead. Just let's keep it short.

MR. ZWIRN:

I will. Thank you very much, Presiding Officer. I mean, I would just have to say that, you know, the County Executive's position on this was that, if you're going to put a bill like this forward, let's go further and just •• you're going to •• you have guys at the Board of Elections who are clearly •• are also political leaders, they're permitted to go out and raise funds.

And, also, that Legislator Binder made some very strong accusations that I think have to be addressed. I mean, he has said he knows people who have had their arms twisted to get County contracts from The County Exec's Office, and I think that's ••

LEG. BINDER:

I didn't say the County Executive's.

MR. ZWIRN:

Well, you said the Executive. That's how I heard it.

LEG. BINDER:

I didn't say the Executive.

MR. ZWIRN:

I'd like to find out right now, who are they? Who are they?

LEG. BISHOP:

Ask for a read•back. Get a read•back.

MR. ZWIRN:

Yeah, I'd like to get that read back, because that's a pretty •• that's a pretty strong accusation.

LEG. ALDEN:

You can't do a read•back.

MR. ZWIRN:

Well, if not, what did you say, so we can get it on the record a second time?

LEG. BINDER:

I said some people seeking contracts have ••

MR. ZWIRN:

From who?

LEG. BINDER:

Have felt that their arms have been twisted. That was their impression of how they've been treated on the way to a fundraiser. And the reason that they don't come out, because if their name were on the record ••

LEG. ALDEN:

Point of order.

LEG. BINDER:

•• they wouldn't get the contract.

LEG. ALDEN:

Point of order.

LEG. BINDER:

And I'm not going to put them at that risk.

P.O. CARACAPPA:

Legislator Alden, point of order.

LEG. ALDEN:

Legislative Counsel, do we have to go into •• do we have to go into executive session, because there is a legal action pending at this point, a criminal action pending at this point; do we have to go into executive session?

P.O. CARACAPPA:

I'm going to cut •• I'm going to end this discussion right now.

Mr. Zwirn, you said what you had to say. I appreciate it. It's over. There's a motion and a second to approve.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Motion to table.

LEG. TONNA:

Let's vote it down.

LEG. BISHOP:

Withdrawn.

P.O. CARACAPPA:

Okay. There's no motion to table. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

What was Mikes vote?

MR. BARTON:

I'm sorry.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Sure.

LEG. NOWICK:

Yes.

LEG. TONNA:

You're a real cop. Come on, give me a break.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yeah.

LEG. MYSTAL:

You guys are nuts.

MR. BARTON:

Ten.

LEG. TONNA:

You guys are ridiculous.

LEG. TONNA:

Now we'll get six bills from Levy. There you go, who's going to be •• you know, this is ridiculous, what a waste of taxpayer time.

P.O. CARACAPPA:

Okay.

LEG. CARACCILO:

He could veto it, Paul.

P.O. CARACAPPA:

It's the process, Legislator Tonna.

LEG. TONNA:

You guys should be ashamed of yourselves.

P.O. CARACAPPA:

That's approved. Moving on. **1524 (Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation).** There's a motion to, I believe, table.

LEG. FOLEY:

Again? You know what the reasons of tabling are? Mr. Chairman. W.

P.O. CARACAPPA:

Well, hold on. There was ••

LEG. FOLEY:

We had this tabled for a number of meetings.

P.O. CARACAPPA:

A Legislator had come to me about there are a few parcels in his district. Legislator Schneiderman. Legislator Schneiderman, did you come to me with concerns with this 1524?

LEG. FOLEY:

We've used this method over the years to •• at no taxpayer expense to save a lot of ••

P.O. CARACAPPA:

I'm just letting you know, Legislator Foley, there were some concerns from •• just like you had concerns earlier.

LEG. SCHNEIDERMAN:

No, it's not save. I mean, these properties already save. The County owns these properties. The question is whether all of them should be in Parks. I had a question about one strip, ten •foot wide strip of private access in Westhampton Beach. Real Estate have re•reviewed it and they still feel it should be in Parks. So, I had asked them to discuss this with the Village of Westhampton Dunes that had asked for that easement. But, you know, I'm not going to hold it up any further, so ••

LEG. FOLEY:

Motion to approve.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

No motion to table? Motion to approve and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

I'm going to make a motion to reconsider **1454**, second by Legislator Carpenter. All in favor? Opposed? Abstentions? Legislator Mystal. Legislator Mystal. Elie, 1454 is now before us again. Motion to approve by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you. **1558 (To permit the construction of two (2) tap roads through property owned by "Starlight Properties" located in Yaphank, Town of Brookhaven).** Is there a motion? Oh, Legis •• Mr. Zwirn.

MR. ZWIRN:

I almost got a promotion.

P.O. CARACAPPA:

Yeah, not the kind you want.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. The County Attorney just would like to put a statement on the record with 1558.

LEG. O'LEARY:

Good, good.

MR. ZWIRN:

Thank you.

LEG. O'LEARY:

Joe, put me on the list.

P.O. CARACAPPA:

Go ahead.

MS. CAPUTI:

You've heard from two speakers prior, so I really just have one thing to say, but it is a point that remains to still be made.

This resolution would violate both New York State Law and the County Charter. Basically, what the resolution is trying to do is transfer the property under General Municipal Law Section 72•h, but there's an exception in that. Generally, you can transfer property to a municipality without consideration or with consideration, but there's an exception to that rule that says that if it violates a Local Law or Charter, it can't be done. And, as you heard the Assemblyman refer to, this property was dedicated under the County Charter, the Environmental Bill of Rights, and our Charter says that you can't remove property from that preserve without a mandatory referendum, a Charter Law passed after a mandatory referendum. So, the mechanism that's being employed through this resolution is not a proper way to do this. Thank you.

LEG. FOLEY:

I have a question for Counsel.

LEG. O'LEARY:

I ••

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. I want to thank the County Attorney's Office for that very detailed legal opinion that was disseminated to my colleagues. I, however, have a question with respect to all the research that you've done on this. You've obviously gotten into in detail the language of the existing contract, have you not?

MS. CAPUTI:

The contract of sale from ••

LEG. O'LEARY:

Yes.

MS. CAPUTI:

•• when it was originally done?

LEG. O'LEARY:

Yes.

MS. CAPUTI:

Yes, I have reviewed it.

LEG. O'LEARY:

All right. Is it •• is your opinion that in the existing covenant, there is a provision or a mechanism, if you will, allowing a buy•back of the development rights by the property owner?

MS. CAPUTI:

Yes, I did see that. It was pointed out to me.

LEG. O'LEARY:

You want to explain that, please, for the record?

MS. CAPUTI:

Well, I didn't draft the contract, but that's at the end of the memorandum of understanding, but ••

LEG. O'LEARY:

No, I'm asking your opinion.

MS. CAPUTI:

That still •• well, that still doesn't get around the fact that our Charter requires a mandatory referendum, so that you would be violating the Charter if you did do it that way.

LEG. O'LEARY:

Okay. Then let me get more specific. Is it your legal opinion that if this initiative is a Local Law amending a Charter Law, your opinion and viewpoint regarding this issue would be different?

MS. CAPUTI:

You mean, if it were •• if it were put before the voters for a mandatory referendum and then done through a Local Law?

LEG. O'LEARY:

If it would be put before this body as a Local Law and not just a resolution.

MS. CAPUTI:

Well, it's still subject to a mandatory referendum.

LEG. O'LEARY:

Yes. Is that your opinion?

MS. CAPUTI:

Yes, it is.

LEG. O'LEARY:

Okay. I have no further questions.

P.O. CARACAPPA:

Thank you. Legislator Foley, then Caracciolo.

LEG. FOLEY:

Thank you, Mr. Chairman. Presently, the buffer is in the nature preserve; is that correct?

MS. CAPUTI:

Yeah. It was dedicated to the nature preserve, yes.

LEG. FOLEY:

Now, does that automatically mean that it's considered parkland?

MS. CAPUTI:

It is designated parkland.

LEG. FOLEY:

If it's designated as parkland, does it not take two successive sessions of the State Legislature to extinguish parkland status?

MS. CAPUTI:

That issue was researched. It's not as clear, but it can be •• that argument could be made, yes.

LEG. FOLEY:

Because it's been my •• I mean, over the years, that's what we've been told time and again, that any time that any municipality wants to alienate parkland or extinguish that particular designation, that, you know, we can't do it unilaterally, we need to have the State Legislature involved in it. So, you say it could be?

MS. CAPUTI:

That argument can be made, yes.

LEG. FOLEY:

Well, is it or is it not made, I mean, when it comes to this particular parcel? I know I've been told in the past it has to be done that way, so why is it open to interpretation that it might not be as much as it might be in this particular case?

MS. CAPUTI:

We didn't include it in our opinion, but ••

LEG. FOLEY:

I'm sorry?

MS. CAPUTI:

We didn't include it in our opinion, but I do see that •• when I did the research, I did raise that issue to myself, and I think it can be made, the argument can be made.

LEG. FOLEY:

If it can be made, just through the Chair, if I may, if it can be made, then why wasn't that part of the •• your reasons for ••

MS. CAPUTI:

Well, we felt that the other arguments that were in here are really •• you know, bypass that, and if you need the mandatory referendum, you can't proceed without that, so we felt that that was our strongest argument.

LEG. FOLEY:

All right. Well, if you wanted to have a more complete picture on this, let's say that you have to have a mandatory referendum •• let's just take this to its logical conclusion. Let's say you have to have a mandatory referendum. Would you still then have to have two successive actions by the State Legislature after that?

MS. CAPUTI:

If this is •• if this is designated parkland, yes, under New York State Law, you would.

LEG. FOLEY:

And is this designated as parkland, since it ••

MS. CAPUTI:

Yes. Well, that's •• it was put into the Nature Preserve.

LEG. FOLEY:

And would we first have to wait for the State to extinguish it, or do we first do our local actions before they would take it up? How does that work, do we have to wait for their approval, or do we do it first here and then they follow through? I would think they need to have ••

MS. CAPUTI:

I think it could be done simultaneously, but you need both ••

LEG. FOLEY:

So, it can't be done simultaneously, I don't •• I don't think so. I would have to think ••

MS. CAPUTI:

Well, it takes a long time to get something through the State Legislature, so I do •• I do believe that you could ••

LEG. FOLEY:

We know.

MS. CAPUTI:

As you know. I do believe that you could start the process here while they were •• you couldn't finalize it, but you could start it.

LEG. FOLEY:

Mr. Chairman, nowhere in the resolution do I see any mention of the fact about extinguishing the parkland and the need for State Legislative approval, but it's your contention that we need that; correct?

MS. CAPUTI:

Yeah.

LEG. FOLEY:

It's your contention that we need that?

MS. CAPUTI:

You're talking to me, Mr. ••

LEG. FOLEY:

Yes.

MS. CAPUTI:

•• Legislator Foley? Yes.

LEG. FOLEY:

That's why I'm looking at you.

MS. CAPUTI:

Yes. I'm sorry.

LEG. FOLEY:

Okay. Thank you.

LEG. O'LEARY:

Through the Chair.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Legislator Foley raised the issues I did, but with respect to the memorandum I received yesterday, was this referendum issue contained in there?

MS. CAPUTI:

Yes, it is. It's in •• it's on page •• wait a minute, let me tell what page it is. The second to last page, I think it's Page 2.

LEG. CARACCIOLO:

It was? Could I have another copy, please?

MS. CAPUTI:

Sure.

LEG. CARACCILOLO:

Because I did not see that. And does •• Mr. Chairman, does Legislative Counsel concur with the County Attorney's Office, Law Department?

MS. KNAPP:

I have not, Legislator Caracciolo. And I have put on the record in the past that a resolution to convey all of this property back to Starlight was proposed back in •• sometime in the '90's, and then the subject came up again. And Legislator O'Leary had copies of minutes where then Chairman of Ways and Means, Legislator Levy, asked former Legislative Counsel if the resolution was the correct legal method to do this. Former Legislative Counsel answered yes, it was, and then, for some reason, the question was asked another time immediately thereafter and the answer was the same, yes. I'd point out that we gave an easement to the Water Authority over parkland very recently, but, on the other hand, you know, we've disagreed about this, and I think it's up to the ••

LEG. CARACCILOLO:

At that time, was there any inquiry made of the Law Department as to their position?

MS. KNAPP:

When the resolution was presented years ago?

LEG. CARACCILOLO:

Right, when Mr. Levy was Chairman of Ways and Means.

MS. KNAPP:

I didn't see it in the minutes of that meeting.

LEG. CARACCILOLO:

Okay. Thank you.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. My question is for the County Attorney, who's here.

MS. CAPUTI:

Yeah.

LEG. O'LEARY:

This is the first I'm hearing about designated parklands. The State elected officials who were here today eluded to it, as did Legislator Foley. My question to you is are you speaking of the 200 foot wide buffer zone that surrounds this 98 acres?

MS. CAPUTI:

Yeah, the buffer zone, correct. That's the only thing that the County owns or to transfer.

LEG. O'LEARY:

Right. And that's comprised of some 30 acres?

MS. CAPUTI:

Correct.

LEG. O'LEARY:

But it's 200 foot wide surrounding the 90 some•odd acres of the privately owned property.

MS. CAPUTI:

Yes.

LEG. O'LEARY:

Is that what you're referring to as ••

MS. CAPUTI:

The buffer zone, correct.

LEG. O'LEARY:

And you're referring to that as parkland?

MS. CAPUTI:

Well, if you look at the deed and the contract of sale, it's put into the Nature Preserve to be forever •• you know, and if you read case law ••

LEG. O'LEARY:

The nature •• in perpetuity, right?

MS. CAPUTI:

Yeah.

LEG. O'LEARY:

Yes.

MS. CAPUTI:

That is •• that's being designated as parkland ••

LEG. O'LEARY:

Okay.

MS. CAPUTI:

•• according to case law.

LEG. O'LEARY:

As the sponsor of the resolution, Mr. Chair, I'd like to make a motion to table.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Motion to table and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. O'LEARY:

Let me correct that, Mr. Chair. Mr. Chair, table subject to call.

P.O. CARACAPPA:

Table subject to call, and a second by myself.

MR. BARTON:

18.

P.O. CARACAPPA:

All in favor? Okay. Thank you. ***1591 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of KFC/LJS Restaurant (HU•1433).*** Motion by ••

LEG. NOWICK:

Motion.

P.O. CARACAPPA:

Legislator Nowick, second by Legislator Crecca. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

P.O. CARACAPPA:

Opposition, Legislator Mystal, Legislator Alden, Legislator Montano, Legislator Caracciolo.

LEG. O'LEARY:

What's the ••

MR. BARTON:

14.

P.O. CARACAPPA:

That was on 1591. It's approved. ***1592 (Authorizing execution of agreement by the***

Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company (HU•1040) needs to be tabled for a correction, so I'll make that motion, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1622 (Establishing new County policy on use of County Clerk's Office for title examination purposes). Is there a motion?

LEG. FOLEY:

Motion to approve.

D.P.O. CARPENTER:

Motion to table.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

There's a motion to approve by Legislator Foley?

LEG. CRECCA:

Motion to table.

P.O. CARACAPPA:

Second by Legislator Vilorina•Fisher. There's a motion to table by Legislator Crecca.

LEG. O'LEARY:

Second on the motion.

P.O. CARACAPPA:

Second on the tabling, Legislator O'Leary. All in favor on the tabling? Opposed?

[Opposed Said in Unison by Legislators]

Opposed, Legislator Foley, Lindsay, Vilorio•Fisher, Montano, Bishop, Mystal, and Cooper.

LEG. BISHOP:

See, that's not so hard.

MR. BARTON:

11.

P.O. CARACAPPA:

1622 is approved.

MR. BARTON:

It's tabled.

P.O. CARACAPPA:

Oh, tabled, I'm sorry. That was on the tabling. Sorry, tabled. **1638**, is there a motion?

Authorizing the extension of a lease of premises located at 375 Commack Road, Deer Park, NY for the Second District Court).

LEG. BISHOP:

I've made an inquiry of DPW. They haven't gotten back to me, so I'd ask for a tabling.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by Legislator Mystal. All in favor?

LEG. FOLEY:

Hold on. The County Attorney's Office is here.

LEG. MYSTAL:

Oh, she's here. He said she's here.

P.O. CARACAPPA:

Oh. Come on up, Basia, if you need to talk.

MS. BRADDISH:

Hoping maybe I can answer the question. Is there any chance I could answer the question?

P.O. CARACAPPA:

Come on up and ••

LEG. FOLEY:

The answer's no.

LEG. BISHOP:

Is this in order?

P.O. CARACAPPA:

If there's •• if there's any information that she might have for you, you might as well ask now.

LEG. BISHOP:

Where is the Lindenhurst project at? Why are we doing this, why are we extending ••

MS. BRADDISH:

It's been •• I thought it was laid on the table, actually. It's been •• it's submitted. The documents have been submitted. I have the signed disclosure statements, I have the signed leases by the landlord and ••

LEG. BISHOP:

So, when is •• when ••

LEG. FOLEY:

Put your mike on.

LEG. BISHOP:

It is on, it's not projecting. I can't •• this is a renewal of Commack Road from when through when?

MS. BRADDISH:

I'm sorry.

LEG. BISHOP:

That's all right. This is a renewal for Commack Road from when through when? What's the term?

LEG. ALDEN:

Your mike's not on.

LEG. CRECCA:

Your mike's not on, David. You've got to speak to it.

LEG. BISHOP:

It's pressed up.

LEG. MYSTAL:

Put the mike in your mouth.

LEG. TONNA:

It was on before.

LEG. BISHOP:

Perhaps this one's better.

LEG. CRECCA:

I liked it better when we couldn't hear him.

MS. BRADDISH:

The term is until February of '05.

LEG. BISHOP:

Okay. So, the ••

MS. BRADDISH:

And it has provisions for the construction for some delays. But I was just advised that the Lindenhurst lease will be submitted for the next cycle.

LEG. BISHOP:

Okay. The rest of my questions I'll get later. I withdraw my tabling.

P.O. CARACAPPA:

Withdraw the table motion. There's a motion to approve. Was there a motion to approve and a second? No. Is there a motion to approve?

LEG. BISHOP:

Motion to approve. Motion to approve.

P.O. CARACAPPA:

I'll make a motion to approve by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Good job. ***1640 (Authorizing the extension of a lease of premises located at 1330 Motor Parkway, Hauppauge, New York, for use by the Department of Health Services).***

MS. BRADDISH:

Okay.

P.O. CARACAPPA:

Is there a motion?

LEG. CRECCA:

Share with us your thoughts. Motion.

P.O. CARACAPPA:

Motion by Legislator Crecca, second by Legislator Lindsay.

LEG. MYSTAL:

On the motion. Talk.

LEG. FOLEY:

Can we hear from Basia?

MS. BRADDISH:

Oh, no this is •• this project it extending a lease that actually expired in '98. Originally, we had been looking into expanding that site as a result of various investigations and a lot of time spent, that that never transpired, so that we began a search for •• we were going to look into expanding at that site. Then the Department went back and decided they didn't want to remain at that location, so we started another search, and then came the proposal to combine it with the new Smithtown DSS Center. We are in the process of trying to proceed with that search, and it's been going on for quite sometime now. However, the landlord is extremely frustrated in that he's now been waiting a couple of years for a new lease. This is an extension •• he understands that we're not going to be staying at the site. However, it's an extension to bring him up to current rates. He has not had any increases in rent since 1998.

LEG. CRECCA:

Can I ask you a question?

MS. BRADDISH:

Sure.

LEG. CRECCA:

Is this •• sorry, Mr. Presiding Officer. When is this extension through?

MS. BRADDISH:

April of next year, which is not going to be enough time.

LEG. CRECCA:

Through April of 2005. But the bottom line is, is, right now, what are we, a hold•over?

MS. BRADDISH:

Yes, and have been since '98.

LEG. CRECCA:

Okay. So •• but we haven't •• he hasn't brought any summary proceeding?

MS. BRADDISH:

Well, I've spoken with his attorney, yeah. He •• I've spoken with his attorney. He's very ••

P.O. CARACAPPA:

He's been •• he's been patient, but he's frustrated.

MS. BRADDISH:

Exactly.

P.O. CARACAPPA:

Thank you.

MS. BRADDISH:

He's very frustrated.

P.O. CARACAPPA:

Would this alleviate it to a certain degree?

LEG. CRECCA:

Yeah, but it's also obligating us to pay more rent, too.

P.O. CARACAPPA:

Current, it's current rates.

MS. BRADDISH:

Well, he'd certainly have a very •• well, it would belong in executive session.

P.O. CARACAPPA:

Is there a motion?

LEG. CRECCA:

I'll make a motion to table.

P.O. CARACAPPA:

There's a motion •• there's a motion to table.

LEG. CRECCA:

It's my district.

P.O. CARACAPPA:

By second •• by Legislator Crecca, second by Legislator Carpenter. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

P.O. CARACAPPA:

Opposed, Legislator Foley, Legislator Lindsay, Vilorio•Fisher, Montano, Mystal and Cooper.

LEG. MYSTAL:

No.

P.O. CARACAPPA:

No Mystal.

LEG. MYSTAL:

Remove my vote.

P.O. CARACAPPA:

All right. Mystal is a yes.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

Okay, it's approved •• tabled. I'm losing it. ***1665 (Authorizing the increase to the discharge to the Suffolk County Sewer District No. 3 • Southwest by Belmont Villas (BA • 1234).***

LEG. MYSTAL:

Motion to table.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Mystal, second by Legislator Alden. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator •• and two opposition, three oppositions. Wait a second. Legislator O'Leary. Who else? Montano, did you oppose?

MR. MONTANO:

No.

P.O. CARACAPPA:

That's just two.

D.P.O. CARPENTER:

I'll oppose.

MR. BARTON:

16.

P.O. CARACAPPA:

Three, it's three. Legislator Carpenter opposes as well.

MR. BARTON:

Oh.

P.O. CARACAPPA:

Thank you.

MR. BARTON:

15. (Amended to 14 yes, 3 no • Legs. Schneiderman, O'Leary, Binder and Carpenter)

P.O. CARACAPPA:

It's tabled. ***1667 (Amending the 2004 Capital Budget and program and appropriating funds in connection with the acquisition of a storage area network (CP 1728).*** It's a 14•voter.

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion to approve by Legislator Foley, second by myself.

LEG. FOLEY:

Just on the motion.

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

Do we need 14 for this?

P.O. CARACAPPA:

Yes, we do.

LEG. FOLEY:

All right.

P.O. CARACAPPA:

The next three.

LEG. FOLEY:

I hope we can move these next three bills, Mr. Chairman. We heard earlier today and prior meetings about the importance of these three resolutions for information technology services in the County.

P.O. CARACAPPA:

Thank you. Legislator Alden.

LEG. BISHOP:

On the motion.

LEG. ALDEN:

I asked for some additional information that was never provided to me in subsequent conversations, since I asked for this to be tabled at the last meeting and no one got back to me, and I'd ask to table it until they get back to me with the information.

LEG. BINDER:

Second.

P.O. CARACAPPA:

There's a motion to table and a second. I'm going to ask •• I'm going to ask Mr. Donnelly to come up quickly and ••

LEG. BISHOP:

Did you ask information from him or ••

P.O. CARACAPPA:

Legislator, if there's a question you have, if this isn't •• if this isn't good enough for you on the floor, you feel that they should have gotten back to you and you feel like tabling it, we'll •• I'll recognize that, but if you have questions, go right ahead.

LEG. ALDEN:

You told me you were going to get back to me and you didn't, so ••

MR. DONNELLY:

I actually tried.

LEG. ALDEN:

When?

MR. DONNELLY:

I called.

LEG. ALDEN:

I was in the office today and there's no call slip.

MR. DONNELLY:

Well, it wasn't today.

LEG. ALDEN:

No. There's no call slip between the last time I talked to you and today.

MR. DONNELLY:

Well, I did call your office in trying to •• trying to contact more than one Legislator.

LEG. ALDEN:

Well, I'm going to bring Warren in here and just flog him a little bit, then, if that's the case, but ••

LEG. TONNA:

They were too busy raising funds.

LEG. ALDEN:

Then the other question I had, too, was is there any way we could do this, and it went to •• and I think you said you were going to do it, but, Jim, is there any way of doing this as cash, as a cash expense? Is there any funds that are available to do this cash?

MR. SPERO:

I'll have to try to identify operating funds and transfer them to fund these projects. That's the only other option.

LEG. ALDEN:

Yeah, because this is not the way to do this. Not the way to bond it. And if you say you tried to get back to me, all right, but ••

MR. DONNELLY:

I did, and the ••

LEG. ALDEN:

•• I didn't see the call slip.

MR. DONNELLY:

The confusion was whether there was some interaction with this between anything the County Clerk was doing and there is not. I went back and reviewed the minutes of the meeting that we referenced and ••

LEG. ALDEN:

What did you say?

MR. DONNELLY:

I thought the confusion was that there was ••

P.O. CARACAPPA:

The Clerk was on the server.

MR. DONNELLY:

•• this was somehow tied up with what the County Clerk was doing.

LEG. ALDEN:

No. The request was for you to find out some information for me and then get back to me, not whether there was confusion on anybody's part, and you didn't do it.

MR. DONNELLY:

No, no, I agree, but what I'm suggesting is I did do that, tried to find out what was going on, that there was some connection between this and the County Clerk's work, and there is none, and that's what I was trying to get back to you with. And I even have copies of the minutes of the appropriate meetings, I have the information. There is no connection between this and the County Clerk, and I did try to get back to you, as I did try to collect •• contact a number of Legislators.

LEG. ALDEN:

Well, I'm not so sure, because I didn't see a call slip, so I would still ask for the courtesy of allowing this •• these next three to be tabled until I do get the information I requested.

P.O. CARACAPPA:

Legislator Bishop, then Carpenter.

LEG. BISHOP:

I have bad news as well, sorry.

P.O. CARACAPPA:

You didn't save money on your car insurance?

LEG. BISHOP:

That's for sure.

LEG. MYSTAL:

Good one, Joe.

LEG. BINDER:

This is a funny night.

LEG. BISHOP:

I met with Mr. Donnelly and Ms. ••

P.O. CARACAPPA:

McCredes.

LEG. BISHOP:

Right. It was an excellent meeting. The projects are wonderful, I agree with the projects, but I told them that I have problems with the funding source, that this is •• should be a pay•as•you •go project. It was suggested to me that this was always appropriate for a capital project, that it would meet the 5•25•5, but in my inquiry with Budget Review Office, they say that by State statute, that these projects are identified as having a life of five years, and the 5•25•5 law says a life of more than five years, not so ••

LEG. FOLEY:

We waived that, though, David.

LEG. BISHOP:

Yeah, we waived that.

LEG. FOLEY:

We waived it.

LEG. BISHOP:

But I didn't waive it.

LEG. FOLEY:

Yeah, but we ••

LEG. BISHOP:

So, that's my personal opposition it ••

LEG. FOLEY:

Right, right.

LEG. BISHOP:

•• has been that we should pay for this as we go, that's what it was intended and we should stick to it. And I know that we could find surpluses in certain accounts in the Operating Budget this year. We have an excellent management team in the County Executive's Office. I'm sure they're saving money all over this County in various departments, and we should invest some of that money in this •• in these initiatives. If it's so important for both the Administration and this Legislature, that's how we should pay for projects, not by borrowing them •• borrowing for them.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Hold on, there's a list.

LEG. FOLEY:

All right.

P.O. CARACAPPA:

Legislator Bishop, are you ••

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Okay. Legislator Carpenter.

D.P.O. CARPENTER:

There were other projects this evening that we did vote to approve that did just what we're asking to do here. And I think we heard earlier from Mr. Donnelly how critical it was that we

move forward with these. We are not going to be meeting again until September, and I just feel that we really need to move forward with it.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah. I mean, generally, many of us would be in agreement with Legislator Bishop about utilizing the Operating Budget, but, you know, we've heard all along over the last two years, you know, Medicaid alone has gone up over 85 million dollars, and it's taken a huge amount of money out of the Operating Budget, which is why we have to move forward with some of these very worthy resolutions through the Capital Program.

Through the sufferance of the Chair, if I could just ask Budget Review Office, Joe, 1667 •• Jim, there's a \$450,000 appropriation. Is it a five•year bound, is it a ten•year bond? How much interest are we paying on that?

MR. SPERO:

It's a five•year bond.

LEG. FOLEY:

All right. So, what's the interest? So, if 450 is the base, if you will, what are we paying on interest?

MR. SPERO:

Go to the bonds program and I'll be able to calculate that for you.

LEG. FOLEY:

Well, all right. Let it suffice that, as stated by Legislator Bishop, it's very little. Being the case that it's very little, we should move forward with this resolution and the next two.

D.P.O. CARPENTER:

And to the •• if I could.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Yes, Legislator Carpenter.

D.P.O. CARPENTER:

To that point, what would the cost be if we don't move forward with the projects? I would venture to guess that it's going to cost us more if we don't do ••

LEG. FOLEY:

That's right, right.

D.P.O. CARPENTER:

•• these projects than it is going to cost us to bond the money.

LEG. FOLEY:

Look at the firewall, \$84,000. We could have worse, you now, problems if we don't follow through on that. And the principle on that is, to use a favorite word of •• use a word of former BRO Director Pollert, there's a de minimus amount of interest on that, so we really should move forward on the three of these.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

It's not the •• it's not the interest, it's also you're deferring the payment, so it's like buying a T.V. now and you're •• you know, you're going to pay •• start paying six months later. You're going to have to pay the principal next year, so you're not solving anything, you're just •• you're just compounding problems in future years.

LEG. FOLEY:

No, we're not compounding the problem.

LEG. BISHOP:

You've got to bite the bullet. This is the easy way out. And I'll make the speech today ••

LEG. FOLEY:

Go, make the speech.

LEG. BISHOP:

•• I've made it before, I'll make it again.

LEG. FOLEY:

Go ahead.

LEG. BISHOP:

This is what New York City did in the '70's ••

LEG. FOLEY:

No, it's ••

LEG. BISHOP:

•• it's what Nassau County did in the '80's.

LEG. FOLEY:

No, it's not. No, it's not.

LEG. BISHOP:

And it will always come back to bite the municipality that engages in it.

LEG. FOLEY:

No, it's not.

LEG. BISHOP:

You've got to make the tough decisions at the time they come up ••

LEG. FOLEY:

We make them at every ••

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

•• and not defer them. And this is a deference of a tough choice.

LEG. FOLEY:

No, it's not.

P.O. CARACAPPA:

Mr. Spero.

MR. SPERO:

The interest on a bond for five years would total \$44,000.

LEG. FOLEY:

Okay. Thank you.

P.O. CARACAPPA:

Forty•four thousand dollars. Okay. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

The metaphor, the T.V., is a poor one. A better metaphor would be you don't buy a stove, so you have to take your family out to eat every night, and you're wasting the money that way, rather than buying a stove for your family. We need these bills to pass in order to run our government efficiently. It's wasting money not to do it the right way.

P.O. CARACAPPA:

Budget Review, a question. Question. Last year, we faced the same dilemma with a whole host of projects that were before us that were 14•voters. What I did was I went and I took •• we devised a plan that was to use extra dollars that were coming into the County at the end of

the year and do •• and float a bond at the end of the year to use for these appropriations. It seemed like the smart way to do things then. We're getting to that time of year. My question to you is wouldn't we be in the position to do the same thing we did last year, add up all of these projects that are going to be sitting on this agenda, and at least most of them, and maybe check with Department of Public Works, The County Executive's Office and Legislators to see if there are other projects that we may be able to fold into a floating •• a bond floating mechanism like we did last year. Can we •• are we in that position? Can we do that, because I think that's a smart way to go.

MR. SPERO:

Yeah, we could •• last year, we appropriated an additional 5 million dollars ••

P.O. CARACAPPA:

Five million dollars.

MR. SPERO:

•• to fund pay•as•you•go projects through the end of the year.

P.O. CARACAPPA:

Right.

MR. SPERO:

And we couldn't draft a resolution and repeat that process again this year. We do have excess revenues coming in because of the unanticipated fund balance that ultimately would offset that expense.

P.O. CARACAPPA:

Why don't you start drafting that bill and you and I will discuss it in the next couple of days what dollar amount is appropriate. But I think these three should go forward, and I think we should use the mechanism we did last year. And what I'm going to start the process tonight with for the rest of the pay•as•you•go, which ultimately will get us to where we need to get to, and that's approving very important projects at the cost that they are. What I'm saying is without borrowing like •• just like we did, so ••

LEG. ALDEN:

Mr. Presiding Officer.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

If you're going to do something like that, then maybe you should revisit the money that we chose to vote down for the County Clerk. He's going online with a service and he doesn't have •• no, it was not approved, we voted it down. He's going on line with a service and he doesn't have enough computing power, or whatever it is, to actually guarantee that that service will be available at all times, so ••

P.O. CARACAPPA:

I'd be more than happy to add that into the equation when we're adding up dollars to do •• to float this bond. Okay. So ••

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

There's a motion to approve 1667. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Sure.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Abstain.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

15, with three abstentions, on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1668 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the acquisition of a Fault Tolerant Enterprise Firewall Server (CP 1779).*** Same motion, same second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Abstain.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

15 on the bond, with three abstentions.

P.O. CARACAPPA:

Same motion, same •• same motion, same second, same vote on the companion resolution.

1669 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the acquisition of a Dedicated Oracle Server (CP 1781). Same motion, same second. Roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yep.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yep.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Abstain.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

15 on the bond, with three abstentions.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

LEG. ALDEN:

One quick question. I just ••

P.O. CARACAPPA:

Go ahead.

LEG. ALDEN:

I just hope no one comes with that comment, that, basically, somebody hasn't gotten back to them when they've asked a question, because I really don't appreciate what just happened here, so thanks.

INTRODUCTORY RESOLUTIONS

P.O. CARACAPPA:

1730 (Authorizing conveyance of parcel to Town of Riverhead (Tax Map No. 0600 •105.00•02.00•006.000) for use as affordable housing (Section 72•h, General Municipal Law). Motion by Legislator Caracciolo, second by Legislator Schneiderman. Are you with me? 1730.

LEG. CARACCILOLO:

Yes. 72•h, by the way ••

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Each of the resolutions that are before the Legislature tonight with respect to Riverhead and 72 •h's are as a result of Town Board resolutions sent to me requesting the 72•h process.

P.O. CARACAPPA:

Thank you. We're going to try and move a little quicker here, so, everyone, pay attention. 1730. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1731 (Authorizing conveyance of parcel to Town of Riverhead (Tax Map No. 0600 •126.00•01.00•002.003) for use as affordable housing (Section 72•h, General Municipal Law). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1732 (Authorizing conveyance of parcel to Town of Riverhead (Tax Map No. 0600 •081.00•02.0•024.000) for use as affordable housing (Section 72•h, General Municipal Law). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1733 (Authorizing conveyance of parcel to Town of Riverhead (Tax Map No. 0600 •081.00•02.00•014.000) for use as affordable housing (Section 72•h, General Municipal Law). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1772 (Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (0100•039.00•02.00•037.000)). Motion by Legislator Mystal, second by Legislator Bishop.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1773 (Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (0100•205.00•03.00•101.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1774 (Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (0100•057.00•02.00•029.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1775 (Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (0100•083.00•02.00•029.000)). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

Procedural Motion 4 • To retain consultant for the purpose of conducting a House Needs Assessment Study for Suffolk County • • a Housing Needs Assessment Study for Suffolk County. Motion by Legislator Schneiderman.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder.

LEG. COOPER:

Explanation.

P.O. CARACAPPA:

Explanation, Legislator Cooper. For Legislator Cooper.

LEG. SCHNEIDERMAN:

Okay. This is a \$50,000 study. It looks specifically at Suffolk County in a kind of town•by•town fashion to see what percentage of the housing in various areas is unaffordable to the workforce on being generated in those areas. It was supported earlier by the Long Island Housing Partnership. It gathers some data that doesn't exist, though a lot of work has been done in the past, particularly the Kramer Study that was done for the Long Island Housing Partnership a few years ago that looked at mortgage rates versus family incomes, also, and rental and mortgage rates, and that determined how many people were paying more than 35% of their income for housing.

This is going to look at some of the things that hasn't been considered, people who couldn't afford to buy the house they're currently living in, even though they can support the mortgage today. Those houses will eventually become second homes. It will look at issues of people living in substandard conditions.

And, primarily, it will look at the types of jobs that are being generated in various areas, and whether there's housing in those areas or not, and which, obviously, leads to commuter

problems, commuting problems, overcrowding problems. So, I'd like to see a university involved with this, preferably, like a Stony Brook ••

LEG. BISHOP:

On the motion.

LEG. SCHNEIDERMAN:

•• and we would certainly work on scoping this out together.

LEG. FOLEY:

Southampton College.

LEG. SCHNEIDERMAN:

Southampton College Legislator Foley is saying. So, I hope that serves to explain it.

P.O. CARACAPPA:

Legislator Lindsay, then Bishop.

LEG. LINDSAY:

Yeah. I'll state my same objection as I did in committee. Within the last two years, there's been two major studies done, one by the AFL/CIO and one by the Long Island Housing Partnership, that went over the same ground. They're available free of charge. A lot of the material is there already. I don't think we need anymore studies, I need •• I think we need action to build more affordable housing.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I certainly agree. And will this study be looking at the effect of creating villages, on creating housing stock?

LEG. SCHNEIDERMAN:

I don't understand the question.

LEG. BISHOP:

Because I read a quote in the newspaper where Legislator Schneiderman was saying that he's supporting a village in Montauk, because he wants to prevent affordable housing, so I didn't understand, you know ••

LEG. SCHNEIDERMAN:

You'd have to show me that quote. That would not be a truthful statement.

LEG. BISHOP:

All right, I'll get you the quote, but I'll support the tabling motion.

P.O. CARACAPPA:

There's a motion to table? Is there a motion to table?

LEG. CRECCA:

No, there's no motion to table.

MR. BARTON:

No.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

I'll make it.

P.O. CARACAPPA:

Then there's motion to table by Legislator Bishop. Is there a second?

LEG. COOPER:

Second.

P.O. CARACAPPA:

Second by Legislator Cooper. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes to table.

LEG. COOPER:

Yes to table.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. MYSTAL:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. ALDEN:

Table, no.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

No to table.

MR. BARTON:

Five to table.

D.P.O. CARPENTER:

Change my vote to a no.

P.O. CARACAPPA:

It fails.

LEG. O'LEARY:

Do motion to approve.

LEG. SCHNEIDERMAN:

Okay. Motion to approve.

MR. BARTON:

The vote is four to table.

P.O. CARACAPPA:

Motion to approve. Is there a second?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

16•2. Procedural motion is approved.

P.O. CARACAPPA:

That is approved.

BUDGET AND FINANCE

Budget and Finance. ***1767 (Amending the 2004 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 192 for the 2004 Operating Budget).***

Motion by myself, second by Legislator Crecca.

LEG. ALDEN:

Explanation.

P.O. CARACAPPA:

Explanation, Chairman Crecca or Jim, Mr. Spero.

LEG. CRECCA:

Yeah. It's a 192 fund, so, Jim, can you do that?

MR. SPERO:

This takes excess, unanticipated excess funding and appropriates it for use this year from •• this is 2003 funding, unanticipated, that's reappropriated for '04.

P.O. CARACAPPA:

What is Fund 192?

MR. SPERO:

That is the hotel/motel tax.

LEG. CRECCA:

Yeah, but this does not appropriate it to LICVB, this goes to ••

P.O. CARACAPPA:

Historical structures.

LEG. FOLEY:

This is for historic preservation.

LEG. CRECCA:

Historic preservation.

P.O. CARACAPPA:

Right.

LEG. ALDEN:

Good. Thank you.

LEG. CRECCA:

That's all it goes to.

LEG. ALDEN:

Thanks.

P.O. CARACAPPA:

Just wanted to clarify it.

LEG. CRECCA:

We did this in committee.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1787 (Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for the Community Programs Center of Long Island, Inc., Wyandanch Day Center, Inc., and Babylon Child Care Center, Inc., day care providers under contract with the Department of Social Services).

LEG. FOLEY:

Motion.

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, I heard him first, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development. ***1700 (Appointing Jim Morgo as a member of the Suffolk County***

Industrial Development Agency (IDA).

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

There's a motion by Legislator Carpenter.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1734 was done. ***1757 (Extending deadline for expiration of Comprehensive Downtown Revitalization Plan Citizens Advisory Panel).***

LEG. NOWICK:

Motion.

P.O. CARACAPPA:

Motion by Legislator Nowick.

D.P.O. CARPENTER:

What's that?

P.O. CARACAPPA:

1757. Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

EPA. ***(1698 • Making a SEQRA determination in connection with the proposed restoration of building at Meadow Croft County Park, CP #7510, Sayville, Town of Islip).*** Motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1699 (Making a SEQRA determination in connection with the proposed replacement of heating system in main house at Sagtikos Manor County Park, CP #7164). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1701 (Reappointing member of the Council on Environmental Quality (Michael Kaufman)). Motion by Legislator Vilorio•Fisher, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1758 (Making a SEQRA determination in connection with the proposed improvements to Van Bourgondien County Park, CP #7077). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1759 (Making a SEQRA determination in connection with the proposed reconstruction of CR 80, Montauk Highway from CR 46, William Floyd Parkway to Mastic Road, CP #5516, Town of Brookhaven).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Same motion, same second, same vote.

MR. BARTON:

18.

LEG. O'LEARY:

I'd like to make the motion on 1759, Mr. Chairman.

P.O. CARACAPPA:

SEQRA? Motion by Legislator O'Leary on 1759, second by Legislator Foley.

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you. **1794 (Authorizing planning steps for the acquisition of land under Pay • As • You • Go 1/4% Taxpayer Protection Program (Cenacle Retreat property, Town of Brookhaven).** Motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

A lot of property.

HEALTH AND HUMAN SERVICES

1691 (Appointing Thomas Ockers to the Suffolk County Health Facilities Commission). Motion by Legislator Foley.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

Parks and Cultural Affairs. ***1753 (Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for breast cancer walk).*** Motion by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1763 (Amending Resolution No. 1310•1996, authorizing the Town of Southampton to utilize the County's waste pump•out facility as the Shinnecock County Marina). Motion by Legislator Schneiderman, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1778, 1778A (Appropriating funds in connection with improvements to water supply systems in County Parks (CP 7184)). Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator Fisher. Is this a 12 or 14•voter? I believe it's a 12.

MS. KNAPP:

There is a bond.

LEG. FOLEY:

There is a bond.

MR. SPERO:

It's 12.

P.O. CARACAPPA:

It's 12. Thank you. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CRECCA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1788 (Authorizing use of Cupsogue Beach County Park by Mayer and Company March for Charity Foundation for their Breast Cancer Walk • A • Thon).

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Schneiderman, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1789 (Applying for a grant from New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1808 (Amend Resolution No. 322•2004 to extend deadline for ATV Task Force). Motion by Legislator Crecca, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information. ***1688 (A Local Law to establish a seizure procedure to stop child pornography).*** Motion by Legislator Crecca, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1740 (Accepting and appropriating a grant in the amount of \$36,500 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund the Traffic Safety Corridor Enforcement Program with 82.10% support). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1741 (Accepting and appropriating a grant in the amount of \$50,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department to continue the Huntington Station Annex Program, with 75% support). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1760 (Creating a Task Force to Deal with Unlicensed Drivers and Protect Suffolk Citizens). Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1786, 1786A • Appropriating funds in connection with an Interim Back•up Fire •Rescue Communications Facility (CP 3230). This is a 12•voter. Motion by Legislator Carpenter second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

Public Works and Public Transportation. **1362 (Approving the amended cross bay license for Bayard Marine Corporation).** Motion by ••

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Legislator O'Leary, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. CARACCILO:

Abstain.

MR. BARTON:

17, 1 abstention.

P.O. CARACAPPA:

I'll abstain. Mr. Clerk, abstention by myself as well.

MR. BARTON:

16, 2 abstentions.

P.O. CARACAPPA:

1364 (Authorization of amended rates for Bayard Marine Corporation for cross bay license within the County of Suffolk). Same motion, same second, same vote.

LEG. CARACCILO:

Abstain.

P.O. CARACAPPA:

Two abstentions.

MR. BARTON:

16, 2 abstentions.

P.O. CARACAPPA:

It's approved. ***1574 (A Local Law to reduce light pollution from County-owned facilities).*** Motion by Legislator Schneiderman, second by Legislator •• oh, we did that?

LEG. O'LEARY:

Yeah, did it.

P.O. CARACAPPA:

That's approved. Thank you, Legislator Carpenter.

1692, 92A (Amending the 2004 Capital Program and Budget and appropriating funds required to modernize the public restroom facility and the installation of cattle fencing at the County Farm in Yaphank.

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

This is to table, right. Second ••

LEG. FOLEY:

If we could table it for one round.

P.O. CARACAPPA:

Second by myself.

LEG. FOLEY:

Some technical ••

P.O. CARACAPPA:

Yep.

LEG. FOLEY:

•• changes.

P.O. CARACAPPA:

Tabled. All in favor? Opposed? Abstentions?

MR. BARTON:

18. It's tabled.

P.O. CARACAPPA:

For Legislators.

LEG. FOLEY:

We'll have the Ponderosa here next.

P.O. CARACAPPA:

1762, 62A (Appropriating funds in connection with the renovation of the Shinnecock Commercial Dock, Town of Southampton (CP5 344)).

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

This is a 12•voter. Motion by Legislator Schneiderman.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

I'm a yes.

MR. BARTON:

17, with one abstention on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1770 (Authorizing the Department of Public Works to transfer three (3) paratransit vans to the Town of Riverhead). Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1776 (A resolution making certain findings and determination sin relation to a proposed improvement of facilities for Sewer District No. 1 • Port Jefferson). Motion by Legislator Vilorio•Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1777, 77A (Appropriating funds in connection with the construction of sidewalks on various County roads (CP 5497).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1779, 79A (Amending the 2004 Capital Budget and Program and appropriating funds

in connection with the County share for participation in the reconstruction of bridge on CR83, North Ocean Avenue, over the Long Island Expressway, Town of Brookhaven (CP 5849). A motion by myself, second by Legislator Foley. Roll call, 12•voter.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yep.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1781, 81A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with improvements to the Riverhead County Center Sewage Pump Station (CP 8142)). Motion by Legislator Schneiderman, second by Legislator O'Leary. Roll call, 12•voter.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. FOLEY:

Mr. Chairman, is this 1782?

LEG. SCHNEIDERMAN:

81.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1782 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with a Clean Water/Clean Air Bond Act grant from the New York State Department of Environmental Conservation to improve Sewer District No. 6 • Kings Park (CP 8144)*** needs to be tabled. I make that motion, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18, it's tabled.

P.O. CARACAPPA:

1785 (Amending the 2004 Capital Budget and program and appropriating funds in connection with strengthening and improving County roads (CP 5014).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. TONNA:

Put me as a yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

1791 (Authorizing the County Executive to enter into an agreement with the New York State Department of Transportation for the Port Jefferson • Wading River Rails to Trails Pedestrian and Bicycle Path (CP5903). Motion by Legislator Losquadro, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1792 (Amending the 2004 Capital Budget and Program, accepting Clean Water/Clean Air Bond Act grant funds, and amending the 2004 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for reconstruction of the Port Jefferson Wastewater Treatment Plant and Disposal System at the Suffolk County Sewer District No. 1 • Port Jefferson (CP 8169 & 8122).

Motion by Legislator Vilorio•Fisher, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

WAYS & MEANS AND CONSUMER PROTECTION

P.O. CARACAPPA:

Ways and Means. ***1695 (Authorizing a removal hearing for member of Suffolk County Community College Board of Trustees (Michael Hollander).***

LEG. ALDEN:

Motion to table.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Alden, second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1742 (Approving the reappointment of Robert Kohlmeyer as a member of the Suffolk County Electrical Licensing Board). Motion by Legislator Lindsay, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1743 (Approving the appointment of Donald J. Fiore as a member of the Suffolk County Electrical Licensing Board). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1744 (Approving the reappointment of Michael C. Daly as a member of the Suffolk County Electrical Licensing Board). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1748 (To provide fiscal responsibility to the management of the Employee Medical Health Plan).

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Crecca, second by Legislator Alden. All in favor?

LEG. VILORIA • FISHER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator ••

LEG. COOPER:

Second.

P.O. CARACAPPA:

•• Vilorio•Fisher.

LEG. LINDSAY:

I'll second that.

P.O. CARACAPPA:

Second by Legislator Lindsay.

LEG. LINDSAY:

I'd like ••

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'd like to hear comments of the County Executive.

P.O. CARACAPPA:

Sure. Just speak up, Mr. Zwirn. I get •• I'm just rolling here.

LEG. CRECCA:

Actually, can we pass over this now as a •• we can't?

LEG. FOLEY:

He's right here.

LEG. CRECCA:

No, I know. I'm not saying Mr. Zwirn shouldn't speak on it. I'm asking the Presiding Officer, as a courtesy, I'm the sponsor, to pass over it while he checks something out. I don't think that's so terrible.

LEG. ALDEN:

No. I would oppose passing over anything while you get information. Who the heck are you to ask for information?

P.O. CARACAPPA:

It's been asked that we just skip over it for now. We'll just skip over it for a few minutes.

MR. ZWIRN:

But I'm going to be here for the next one anyway, so ••

P.O. CARACAPPA:

Okay. So, stick where you are. Wait. You may wait. Get this. Ready? Ready, Ben? **1749**
(Directing the Department of Law to withdraw the Article 78 Proceeding County of Suffolk V. New York State Commission of Corrections). Motion to table by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

LEG. BINDER:

Opposed.

LEG. CRECCA:

Opposed.

MR. BARTON:

16.

P.O. CARACAPPA:

Did you •• did you still want to speak on that?

MR. ZWIRN:

Well, you took away my thunder, you know.

P.O. CARACAPPA:

Yeah. That's a ••

MR. ZWIRN:

I lost •• I lost the crowd about an hour•and•a•half ago.

P.O. CARACAPPA:

That's what I was trying to do.

MR. ZWIRN:

They're all inside eating right now.

LEG. CRECCA:

This is early for us, by the way.

MR. ZWIRN:

I was ready to go, I had some good stuff.

P.O. CARACAPPA:

1750. 1750 (Authorizing the commencement of Eminent Domain Proceedings for land adjacent to Lake Ronkonkoma Park and assist in relocation of residents). Motion by Legislator Crecca?

LEG. CRECCA:

Yes.

MR. ZWIRN:

I'd like to be heard on this one, too, as well.

P.O. CARACAPPA:

1750, motion •• second by myself. Mr. Zwirn, go right ahead.

MR. ZWIRN:

Okay. This is a bill that the County Executive vetoed the last time around, and at that time, Legislator Crecca ••

LEG. CRECCA:

On the motion, Joe.

MR. ZWIRN:

•• said he would reach out and speak with the County Executive to see if this could come to some resolution, other than by eminent domain and displacing these people. I know there was an addition added to the resolution that said that the County would relocate these people, but there is no federal mandate to do that.

The Town of Smithtown, unlike most of the other towns in Suffolk County, has not made an effort to do anything with affordable housing, and recently, there was a Newsday story about how Islip has done 500 units, and Babylon has done 400 units, and all the different towns along Long Island, but Smithtown has been resistant to meeting the affordable housing needs of the residents of Suffolk County. And County Executive Levy said that, you know he'd like to see some good faith efforts made on the part of the Town of Southampton as well, and has said he would veto this bill a second time.

LEG. SCHNEIDERMAN:

Smithtown, right, not Southampton? Southampton is making a lot of good efforts right now.

MR. ZWIRN:

Smithtown, I stand corrected.

LEG. CRECCA:

You said Southampton. On •• Mr. Chairman.

LEG. SCHNEIDERMAN:

I hope that wasn't Freudian.

LEG. CRECCA:

Yeah. First of all, I'm not going to •• I don't want to debate this thing to death. The changes in the bill, and I just had it on my screen and I lost it, I apologize, it does state that •• Counsel, do you have it in front of you? Now, it is the same bill. There is a new provision in the bill which says that the County shall and I •• assist in relocating •• is that the exact language •• the residents of the trailer park. There are approximately 14 occupied trailers, twenty •something residents.

LEG. TONNA:

Joe, put me down.

LEG. CRECCA:

If, you know •• again, I don't want to get into a long•winded debate, the bill is what it is. "Shall be provided with relocation assistance by the County." And what I would ask is, obviously, I'm not responsible for the Town Board in Smithtown or the Town Supervisor, but it's an •• this is very important to the people in my district, specifically in the Nesconset community and the Ronkonkoma community right there, and I would ask for your support for this important preservation objective in my district. No one's listening to me anyway, it really doesn't matter.

P.O. CARACAPPA:

Everyone knows how they're voting on this. Maybe the debate should be ••

LEG. CRECCA:

So, that's what I'm saying.

LEG. TONNA:

Just two ••

P.O. CARACAPPA:

•• just extinguished at this point.

LEG. TONNA:

Yeah, but just two quick points. Are they being relocated in Smithtown? You know, I guess there's no place to move in Smithtown.

And, secondly, I don't know if anybody knows what it's like to uproot a child. It's bad enough that they might have to live in a trailer park, but then to move from their local school, or something like that, and just to be picked up and relocated just doesn't sound right, unless, of course, we can guarantee that they were relocated in the same school district in same town. But we already know that the Town Board, if they're going to be responsible for any relocation, it will be to Huntington Station, as they said in the paper, so •• where there is diversity.

So, anyway, I just think, Legislator Crecca, you're not responsible for the narrowness and the short-sightedness of Town Board members in a town that's basically hell-bent on making sure that there are no people of a diverse background in Smithtown. But, clearly, it would be a very, very tough thing to have a child move out of a trailer park and into a whole new place, you know, as much as we can guarantee that Suffolk County could even do that. So, I would say I'm still opposed to this until we have a real commitment from Smithtown to say that we want to •• we want to care of, you know, people living on the edge.

P.O. CARACAPPA:

Thank you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, I certainly, you know, appreciate, you know, the sponsor in his district knowing this. I'm, obviously, not that familiar with the property, but that it's a blighted area. I know that the sponsor is sensitive to the needs for affordable housing, and I have seen situations where improvements have been made and people have gotten out of squalid kinds of conditions and into better housing.

And, you know, I'll support this with the confidence that the County, which would be overseeing this, would not move forward unless these people are relocated, given appropriate funds for relocating, because that is also an inconvenience, the full value of their current trailer housing, and also relocated within the Smithtown area, because these people, they've got to stay within the same school district. I think that's really critical. So, you know, I would say that the County should not move forward with this unless those things are in place, but I trust that the people who are involved here will make sure those things are in place.

LEG. TONNA:

It's not going to happen.

P.O. CARACAPPA:

Thank you. Roll call.

LEG. SCHNEIDERMAN:

You're going to have to.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Yes.

LEG. LINDSAY:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

It fails. ***1751 (Authorizing Public Hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 80, Montauk Highway from CR 46 William Floyd Parkway to Barnes Road, Town of Brookhaven, Suffolk County, New York).***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1764 (Authorizing certain technical correction to adopted Resolution No. 329•2004).

Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1768 (Authorizing Public Hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for improvements on CR 80, Montauk Highway, vicinity of NYS Rt. 112 to vicinity of CR 101, Sills Road, Phase II at Town of Brookhaven, Suffolk County, New York (CP 5534 Phase II).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. POSTAL:

1790 (Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for intersection improvements on CR 100, Suffolk Avenue at Brentwood Road/Washington Avenue, Town of Islip, Suffolk County, New York).

Motion by Legislator Montano, second by Legislator Mystal. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1801 (Designating Jewish Baseball Heritage Days in Suffolk County). Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1803 • To provide • • (To provide taxpayer protection and provide comprehensive and transparent reform oversight of Employee Medical Health Plan (EMHP)). Is there a motion? Legislator Binder?

LEG. BINDER:

Excuse me? Yes, motion.

P.O. CARACAPPA:

Motion by Legislator Binder, is there a second?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor?

MR. ZWIRN:

Mr. Presiding Officer.

P.O. CARACAPPA:

Oh, I'm sorry.

MR. ZWIRN:

That's all right.

P.O. CARACAPPA:

Thank you.

MR. ZWIRN:

This bill, and Legislator Crecca has a •• also has a competing bill, one is prospective and one is retroactive.

LEG. TONNA:

Henry, I have to abstain on this bill.

MR. ZWIRN:

I'm still trying to find out how you hear a herring. I mean, he hears a red herring when •• I know a red herring.

LEG. BINDER:

Recognize it.

MR. ZWIRN:

I can smell a red herring. I don't know what •• I've never heard a red herring.

LEG. TONNA:

Should we play back •• should we play back the tape? He heard a herring, there's no doubt

about that.

MR. ZWIRN:

But with both •• respect to both these bills, you know, the County Executive staff made a presentation at committee that was quite comprehensive, and there were certain comments that were made to the newspapers over the last couple of weeks, one was by Legislator Binder who said that this •• the action that precipitated this legislation, which was the extending of benefits to domestic partners of County employees who had been together for more than ten years, was going to cost the taxpayers 20 million dollars, which was a number that was reported, and I have the paper and the article here, and also that this was a back room deal. This is a part of the negotiating contracts with the union. This is a board that has been set up for quite sometime that deals with these kinds of issues.

When the •• this board dealt with an extension of benefits under the Gaffney Administration, the Legislature did not see fit to pass legislation at that time like this. And all I can say is that this was not an act that was a same•sex partner's bill, it was not a backroom deal, it did not and will not cost 20 million dollars, it is part of the collective barge agreement, and, therefore, as I said, also was not an Executive order by the County Executive, but was something that is part of the collective bargaining process, and we'd just like to get that on the record. And you also have two bills before you that contradict each other, so ••

P.O. CARACAPPA:

Okay. Legislator Alden.

LEG. ALDEN:

Ben, just a quick question.

MR. ZWIRN:

Sure.

LEG. ALDEN:

It was testified at committee and, also, I don't know if you said it just now, but the charge to this board is to mirror image the ••

MR. ZWIRN:

To mirror the Empire Plan.

LEG. ALDEN:

But correct me if I'm wrong, but a mirror is an opposite, a mirror image is the opposite of reality. No. Right or wrong?

LEG. FOLEY:

We're getting existential.

LEG. ALDEN:

No, we're not being •• we're not being funny here or anything, but if something calls for the •• if something calls for the opposite, you know ••

MR. ZWIRN:

I don't know how to respond ••

LEG. ALDEN:

No. I'm just asking if that's the language. Maybe you could find out.

MR. ZWIRN:

It's supposed to follow the Empire Plan with respect to benefits.

LEG. ALDEN:

Oh, if it says "follow", that's fine, but, you know, mirror image, I just ••

MR. ZWIRN:

I understand, but I'm just •• I try to make •• I want to be clear.

LEG. ALDEN:

That's the opposite.

P.O. CARACAPPA:

Thank you. Okay. There's a •• Legislator Mystal. Oh, Legislator Mystal, then Binder.

LEG. MYSTAL:

Well, I will make the argument that I made at the committee. Hey, you all shut up, I'm speaking. Of course, I'm me, you're not me. I'll make the same argument that I made in committee, is that I'm not entirely sure that the Legislature should involve itself in this kind of • this kind of dealings. The EMH has been doing this job. I think, you know, back in the early '80's •• late '80's, early '90's, we capitulated in a certain way and gave all the powers to the union and the County Executive, now we want to take it back. I'm not so sure that we want to do that. I think we should leave it the way it is and this bill should be defeated, and leave us as a body out of this negotiation, which really are the province of the County Executive and the unions who conduct contract negotiation. And I think, you know, we should vote this down and remove ourselves from that process.

P.O. CARACAPPA:

Thank you. Legislator Binder.

LEG. BINDER:

Mr. Chairman, first off, this was supposedly part of a collective bargaining agreement. Fifteen years that I've been here, we voted on collective bargaining agreements. That's what we do, because, in the end, we say, as a policy matter, whether we think it should go forward or not, how it's going to affect our voters, the taxpayers and people of Suffolk County. We need to take some control here.

When a body can go out by itself, interpret the law to make it as if they could do it, tax our constituents when they're not their voters, it's not that they're taxing their voters, this is not a benefit that was extended that will be paid for by the people who vote for the union representatives, but it's by our voters. And the one thing, and most important thing •• now, the most important thing that this Legislature does, not the one thing, but the most important thing, is that we, through our policy-making role, control the purse strings. We decide how the money is going to be spent. And here, another body said, "We're going to tax you're constituents." Estimates are at least a million dollars with our Budget Review Office. I think it could be twenty times that, or somewhere in the middle. Well, whatever it is, we should be not running from voting on this, we should ask to vote on this. We should involve ourselves in this, because these are •• that is exactly what our constituents, the voters in our district, send us here to do, to make policy and control these kind of issues.

So, the reason I have this bill in that makes it retroactive is because there was just an action taken that precipitated it. And I think to go forward, just to go forward and say, from now on, would abdicate our responsibility, our fiduciary responsibility as Legislators, we have to make this decision. We may not want to make it, we may not be happy about it being if front of us on domestic partner benefits, but we've made that decision here a couple of times on other legislation. At least we've given voice to it. It should be before us. We should spend the people's money or not, that's our job. Let's not run away from it, lets take control of it.

P.O. CARACAPPA:

Thank you. Legislator Crecca.

LEG. CRECCA:

Yeah. First of all, Mr. Presiding Officer, I would ask, I know we passed over earlier 1748, that we do one right after this one, since we •• so we don't have to have sort of double the debate. The bills are very similar. The difference, just so my fellow Legislators know, is what Allan Binder's bill goes retrospectively back to I think January 1st of this year, 1748 goes prospectively from passage forward. And with the Chairman •• with the Presiding Officer's permission, I'd like •• I have a question for Mr. Zwirn.

P.O. CARACAPPA:

Sure. Mr. Zwirn.

LEG. CRECCA:

Ben.

LEG. MYSTAL:

Ben.

LEG. FOLEY:

Ben, you're up.

LEG. CRECCA:

I apologize, and I know you addressed this earlier, but I wasn't in the room, or I think I was

just walking in. The health benefits being extended to domestic partners, that was •• did you say that was part of collective bargaining between the County Executive ••

MR. ZWIRN:

No. The panel that is set up is part of the collective bargaining process. Legislator Vioria •Fisher sat on this panel, as I understand, and that's why I say, when somebody in this •• Legislator said that this was a back room deal, I said at committee, I didn't believe that Legislator O'Leary would be involved in anything like that, because this wasn't a back room deal. This panel is set up to make these kinds of decisions, has been set up long before County Executive Levy was here.

LEG. CRECCA:

Yeah. No. I think everyone's aware, under the Charter •• well not under the Charter, I'm sorry, under the Memorandum of Agreement, the EMHP people are just to make recommendations to the County Executive. That's exactly what the memorandum says, that's the way it's set up, and then the County Executive, generally speaking, since it's a 9•9 board, follows those recommendations. That's the way Gaffney did it, and not •• this isn't directed at Steve Levy.

MR. ZWIRN:

In addition, they also have to follow the Empire Plan, and these benefits are extended under the Empire Plan. Part of the collective bargaining agreement said that.

LEG. CRECCA:

Well, actually ••

MR. ZWIRN:

So, that they were just fulfilling •• my understanding is that they were just fulfilling what they're supposed to do.

LEG. CRECCA:

Just so we're clear, they don't have to, even Jeff Tempera, who was here, and Ellen Schuler •Mauk, who's the current Co•Chair •• Co•Chairs of the Committee, is they can choose to opt

out of the Empire Plan or • opt out of different benefits, and they vote for ••

MR. ZWIRN:

If they were getting more benefits under the •• they thought it was more cost effective.

LEG. CRECCA:

No, they cannot •• if they think it's more cost effective, or really any other reason, as long as they're in agreement to it. Bottom line is, is, you know, the reality is, when this was originally proposed, the idea is, is that if something has a major fiscal impact, if it's going to change the health plan that significantly, we have a responsibility, as Legislators, to answer to taxpayers. And it doesn't matter whether it's, you know, a benefit to extend to domestic partners, or it's a benefit for some other •• extending to the retirees', deceased retirees' spouses. That's also another major cost, which happened last year, which we didn't approved.

The reality is, the Taylor Law requires that when something is negotiated or added and a plan is changed, that it needs Legislative approval. What these bills do, whether you believe it should be prospective or retrospective, that's another question, but the reality is we should not abdicate our Legislative responsibility here. And I would ask you to support both the bills, or at least one of the bills. If you don't believe it should be retrospective, then, please, enact it prospectively, and let's be responsible and do what we're supposed to do.

LEG. O'LEARY:

Madam Chair.

D.P.O. CARPENTER:

Legislator Cooper, and then Legislator O'Leary.

LEG. COOPER:

This is a question either for the sponsor or perhaps for BRO. My recollection is that in •• back in 2001, the EMHP Labor Management Committee voted to extend health benefits to spouses of retirees. Does anyone know whether the fiscal impact of that decision exceeded \$50,000?

LEG. CRECCA:

I think I can answer that question. I think the answer is yes, but I certainly ••

LEG. COOPER:

And I'm curious as to what the approximate fiscal impact was at that time.

MR. REINHEIMER:

I don't have the exact enrollment on dependent spouses, but the cost definitely exceeds \$50,000 annually.

LEG. COOPER:

Could it in any way approximate what is estimated for the benefits being extended to domestic partners?

MR. REINHEIMER:

It probably exceeds that.

LEG. COOPER:

May exceed that. And another question to the sponsor. Did you have any concern back in 2001, when EMHP made a decision that apparently had a greater fiscal impact, did you have the same concern over our obligation or your obligation to taxpayers at that time?

LEG. CRECCA:

I've raised the concern during hearings that we held in •• I'm just trying to get my years straight. We're in four. In 2002 into 2003. I took no action at that time. There were several bills on the table, Legislator Cooper, and, quite frankly, Legislator Guldi had taken over and the unions have •• I'm being very honest. They had pressed pretty hard to not move on anything.

Just so, if I could just •• and I'm not, you know ••

LEG. COOPER:

Sure.

LEG. CRECCA:

•• arguing with you. My bill goes prospectively.

LEG. COOPER:

I understand.

LEG. CRECCA:

It doesn't change anything as far as what has been done already. So, honestly, my bill is really directed at a policy change, not directed at the extension of domestic partnership health benefits. It is aimed at what I think is a flaw in the system twofold. And I'd ask Legislators to listen to this part.

The County Charter has been wrong since 1992. For at least 12 years, EMHP says one thing under the Charter, okay, and has been •• in practice, has been doing something completely different. If, at the very least, this corrects that problem in our County Charter, which, Legislator Cooper, I will say it publicly on the record, this should have been corrected years ago. Okay? And for us to sit here and continue to live under a farce, and that's what it is, because the Charter says something completely different about the management of our health insurance plan, completely different, it doesn't even come close to matching what we've been doing for the last 14 or 15 years. So, at the very least, we need to fix the Charter and either do what the Charter says, which means that we're going to start managing the plan, we're going to sit on that board, which I don't think is appropriate for the Legislative branch of government, quite frankly, or we need to fix this thing.

And the fact of the matter is, I say let the County Executive manage the health insurance plan. That is the way it is under the Charter. Let the unions and the joint Labor Management Committee continue to make recommendations for that management of the plan. But, when it has a significant fiscal impact, we have a responsibility to approve those major changes, whether it's retirees, whether it's domestic partners, and whether it's something else. We should not be afraid to exercise and vote on what we're responsible for.

And the unions, you know, the unions don't have anything to worry about, because we have always been fair to the unions, we have always been, I believe, liberal, not just with benefits, but with contracts and all that. So, you know, let's just do things right and let's do it the way it's supposed to be and the way we've been operating, not the way the Charter has •• not the way the Charter is •• whatever.

D.P.O. CARPENTER:

On that whatever, Legislator O'Leary, and then Legislator Lindsay.

LEG. O'LEARY:

Yes. I'd like to have Mr. Zwirn back up at the podium, please.

D.P.O. CARPENTER:

Ben, this is your night.

LEG. O'LEARY:

Hi, Ben. During the Ways and Means Committee, when this bill was being reviewed, there were statements made regarding an extended agreement, and there was a query on my part to find out what the position or status of that particular extended agreement is with respect to the expired agreement. And, currently, as you are aware, the •• by the provisions of Triborough, the full benefits are being afforded to the beneficiaries of the EMHP until such time as a successor agreement is executed by the parties involved. Can you just update this body as to what the status of that is, the extended agreement?

MR. ZWIRN:

I believe they're working on that. But, you know, I wasn't privy to this, but you could probably shed some light on this, because you sat on this board and your successors sat on this board and approved these benefits being extended.

LEG. O'LEARY:

Yeah, I want •• one of the things I wanted to point out to my colleagues is that in the agreement that expired, there is no exact language, as Legislator Alden eluded to as mirroring Empire, it's basically a reflection of the benefits and provisions provided by empire that we were to match. And if we did not match those benefits, that required unanimity on the part of Labor Management Committee. If there was not unanimity, then the extended benefits would not have taken effect. However, and as I eluded to during the committee meeting, being a part of that process, I was also part of the negotiations for the extender agreement.

I don't want to get into the specifics of that particular negotiation, but I'm keenly aware of the fact, which I brought out in the Ways and Means Committee, that the extender agreement, if it's executed the way it was agreed to back then, would have no longer on the part of the committee, the desire or need to mirror or reflect the benefits of the Empire Plan. And as such,

that particular agreement will have to come before this body for ratification.

So, there is a move afoot within the Committee itself for any future extender agreements or provisions provided under the EMHP to come to this body for purposes of ratification. So, if that runs its course and that comes to fruition and there's execution on the part of the parties involved with respect to a successor agreement, then that agreement, by agreement of the parties, will come before this body for ratification; are you aware of that?

MR. ZWIRN:

No. But let me understand that the unions want the ratification to come back before the County Legislature?

LEG. O'LEARY:

Yes. That was the intent and expressed desire of the unions and the •• County Executive Gaffney's people at the table. So, if that continues as is •• but the point I raised in committee as well, there is •• there has to be a good faith effort on the part of both parties, the Executive branch and the unions, to move forward with respect to this extender agreement. You can't stay in a Triborough scenario in perpetuity. So, my request of you at the committee meeting was to find out what the status of that agreement is with respect to the position of the County Executive's Office, because I understand that he had •• he had retained a consultant for the purposes of reviewing and analyzing, I guess it's the effect and impact of the extender agreement or the current plan.

MR. ZWIRN:

I think that was in an early resolution earlier this year that did not pass. There was money appropriated to set up •• they had a consultant review it, and it just didn't pass the Legislature at that time.

LEG. O'LEARY:

Right. So, being that it didn't pass, has there been any positive steps on the part of the either party to bring this ••

MR. ZWIRN:

I think the County Executive is ••

LEG. O'LEARY:

•• extender agreement back to the table?

MR. ZWIRN:

I belive the County Executive is going to bring it back.

LEG. O'LEARY:

Okay. All right, fine. But I just wanted my colleagues to know that that it's the intent of both parties that all future agreements come before this body for ratification. That, however, is not currently the situation. They're working under what's called a Triborough, and under the provisions of Triborough, all the •• all the effects and provisions that were in effect that expired are in full force and effect. And their position, the unions' and the Executive's position, is that under the language of those provisions, there's no need, according to them, to come before this body for ratification.

And the point that was made, I think by one of the Co•Chairs, at the committee meeting is that in the event that this matter is approved by this body and sent over to the Executive's Office for either signature or veto, they will take some sort of affirmative, positive action with respect to what's called an IP, an Improper Practice. So, the decision we have to make is, knowing full well what their intent is with respect to an IP, we're going to move forward with this initiative and approve it. Depending on what the County Executive does with that, we can, you know, fully expect this matter to be litigated by the unions.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I want to echo what my •• Legislator O'Leary said. If we truly want to get away from the Empire Plan, we have to move forward with a new agreement. If I'm not mistaken, I believe an extension was negotiated more than a year ago.

LEG. VILORIA•FISHER:

Yes.

LEG. O'LEARY:

2001.

LEG. LINDSAY:

Right, 2001. So, I guess the framework is there. We have to move forward for it, because we're susceptible, I'm talking about the Legislature now, to the same type of increased benefits without our approval. Simply by empire implementing a new benefit, the union's bringing it to EMHP and saying, "You know, our agreement says the same as Empire," and, again, we're bypassing Legislative approval.

So, I think the first natural step is to get a new independent agreement that covers Suffolk County that isn't tied to the Empire Plan, that isn't measured by the Empire Plan, that's just for our employees, that is negotiated between the Executive branch and the union and is ratified by this Legislature.

P.O. CARACAPPA:

Finally, Legislator Crecca.

LEG. CRECCA:

Yeah. I just want to say that, you know, I understand the argument that they're making about trying to mirror the Empire Plan, but the fact of the matter is that the Empire Plan, I believe, has had domestic partnership benefits, just to use as an example, for at least four years, maybe more, and Suffolk County hasn't had it. And the reality is, is that, you know, we can say it's because of the Empire Plan. The bottom line is, is the plan has changed, whether it's that or, you know, benefits for retiree's spouses, you know, without our approval. And we can continue to proceed with our eyes closed, and some day it's going to come back to bite us, okay, and we can proceed to continue with a Charter provision that doesn't come anywhere close to what our actual practice is, or we can do the responsible thing here and vote yes at least on one of the •• one or both of these resolutions.

P.O. CARACAPPA:

Legislator Carpenter, and then we'll vote.

D.P.O. CARPENTER:

When Budget Review was asked about the fiscal impact of one of the benefits, and your reply

was it was more than \$50,000 annually. The resolution here specifies shall not exceed \$50,000, but it doesn't say whether it's \$50,000 annually, weekly, whatever. It seems like it's just out there, that figure. I mean, that's not really a question for you, but I guess Counsel.

MS. KNAPP:

It does not say annual.

D.P.O. CARPENTER:

I mean, it seems like it should have a definite point of reference, or per benefit or ••

MS. KNAPP:

I think that annually is implied, although it's not stated.

D.P.O. CARPENTER:

Okay. Thank you.

P.O. CARACAPPA:

Now, there's a motion to approve, Mr. Clerk. Is there a motion to table?

MR. BARTON:

No.

P.O. CARACAPPA:

Okay. There's a motion to approve and a second.

LEG. CRECCA:

Roll call.

MR. BARTON:

Correct.

P.O. CARACAPPA:

Roll call.

LEG. O'LEARY:

Which resolution are we voting on?

P.O. CARACAPPA:

This is the Binder resolution, 1803.

LEG. CRECCA:

This is retrospect.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Abstain.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARACCILOLO:

This is to approve? Yes, to approve.

MR. BARTON:

To approve.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Abstain.

P.O. CARACAPPA:

Abstain.

LEG. COOPER:

No.

MR. BARTON:

Six.

P.O. CARACAPPA:

1803 fails.

LEG. CRECCA:

Motion to approve **1748**.

P.O. CARACAPPA:

There's a motion to approve **1748** (*To provide fiscal responsibility to the management of the Employee Medical Health Plan*).

LEG. CRECCA:

This is the one that's prospective, not ••

P.O. CARACAPPA:

Is there a second.

LEG. CRECCA:

Would not affect ••

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder.

MR. BARTON:

Mr. Chairman, there was also a motion to table that one.

P.O. CARACAPPA:

Okay. Who ••

MR. BARTON:

And a second.

P.O. CARACAPPA:

There's a motion and a second to table.

MR. BARTON:

From earlier.

P.O. CARACAPPA:

From earlier.

MR. BARTON:

I have two sheets.

P.O. CARACAPPA:

Who made the motion?

MR. BARTON:

Legislator Viloría•Fisher.

P.O. CARACAPPA:

Does that motion stand?

LEG. VILORIA•FISHER:

Yes, it does.

P.O. CARACAPPA:

Okay.

LEG. CRECCA:

I would just •• as a courtesy, I'd as that we just vote it up or down, so if you withdraw the •• you know, and I understand.

LEG. VILORIA • FISHER:

I'll withdraw the motion to table. And I just want to just very briefly say, because when you're in committee and you've discussed this so much, you don't want to discuss it further here.

LEG. CRECCA:

Yeah.

LEG. VILORIA • FISHER:

But \$50,000 in a budget that's a hundred million dollar budget is a very minuscule amount. And the Chairs of that •• of the EMHP Committee came before us and said, if we were to look at every \$50,000 fiscal impact, we would be involving ourselves in labor negotiations, which is contrary to labor law, because we would be looking at items within contractual negotiations and that's illegal.

So, I do encourage my colleagues to vote against this. And I was hoping that we would have a change in that dollar amount, or some kind of broader look, because I think that we should have •• there should be accountability or ratification of the Legislature, but I think putting a \$50,000 amount really makes us micromanage and become part of labor negotiations where we should not be.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yeah. I didn't really want to bring this point out, but I think it warrants the attention of this body with respect to rules promulgated by the Triborough Doctrine. And, clearly, when an agreement, the contract expires, Triborough kicks in, and Triborough allows, Triborough allows the current benefits that are in place in full force and effect to continue.

There is a question, there is a question whether or not the parties can amend that existing

agreement that expires, and it's something that I have discussed with the members of the committee, and that's still up in the air. So, my point being is that they're protected. The benefits afforded the beneficiaries are protected under Triborough, and all the benefits and provisions continue in full force and effect.

There is a question whether or not during that Triborough period of time and before a successor agreement is executed whether or not any changes can be made, and, clearly, as I indicated to my former colleagues in the unions, this was a change that was made.

So, in response to their indication that they were going to litigate this matter if this resolution is passed, it's my opinion that we would have a very good argument in litigation with respect to the provisions provided under Triborough.

LEG. CRECCA:

Yeah. And I apologize a policing, Mr. Presiding Officer, just •• if I can just add to that.

P.O. CARACAPPA:

Go ahead.

LEG. CRECCA:

I did consult Legal Counsel on this, and also spoke to some other lawyers at the County level, and without getting into too much, because it could involve litigation, I believe we do have a sufficient case.

Also, just on Legislator Fisher's point, and I respect your opinion, we've had that discussion, we had it in committee, and I •• you know, I know your position on the bill and I respect it, so I don't •• but I believe the \$50,000 doesn't affect every single benefit, it's only on major matters of eligibility and policy changes, and things like that. So, it wouldn't affect current •• and this bill goes prospective, it doesn't affect current negotiated benefits and all that, too, but it's a valid point that you raise, yeah.

LEG. O'LEARY:

I ••

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you for interrupting, Legislator Crecca, and I wasn't quite finished, I was going ••

LEG. CRECCA:

Oh, I thought you were done. I apologize, Legislator O'Leary.

LEG. O'LEARY:

That's quite all right. One other point I wanted to make is that it's my opinion that with the passage of this particular resolution, I did vote against Legislator Binder's, which was retroactive. But I think there's a need to put this forward into the County Executive's hands for purposes of addressing this issue, if for no other reason but to bring to light the fact that this extender agreement has language for almost three years now, and the parties involved are going to have to start moving on that to get that executed to come before this body for ratification. So, I think this is the beginning, indicating that we're telling the parties involved that we're aware of the fact that all future agreements have to come before us for ratification and this is just the first step.

P.O. CARACAPPA:

There's a motion and a second to approve. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Abstain.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's approved. ***1805 (Amending Local Law No. 20•2002 to provide accurate and truthful filing responsibility for County Election Campaign Finances)***. Motion by Legislator Binder.

LEG. BINDER:

Motion to approve.

P.O. CARACAPPA:

Is there a second?

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by Legislator Crecca. Just quickly, Legislator Binder, what was this one again?

LEG. BINDER:

This is a bill that says, basically, that the only place that we should have to report is to the BOE. Let me just ••

P.O. CARACAPPA:

That's all. That's all I needed.

LEG. BINDER:

I know, but there's a little update since the last time.

P.O. CARACAPPA:

Ten seconds. Just kidding.

LEG. BINDER:

If you go to the Campaign Finance Board's page for disclosure, for electronic disclosures, you'll find that there are a very small handful, and I did this on the 16th of this month, one month after we filed, and to this day, it's still only a handful. I know my treasurer tried to file through electronic filing, has not been able to do it.

LEG. BISHOP:

How did I do.

LEG. BINDER:

Legislator Bishop, you're there. Yes, you got it in there. Legislator Bishop, Legislator Cooper, Legislator Vilorio•Fisher, and Legislator Lindsay. But I did talk to my treasurer at some length and he's been going back and forth with the Campaign Finance Board and cannot •• just there's a server area he's been showing me, he's been printing them up. They don't have the technical skill or ability to do this. Now, let me go beyond that. Not only don't they have the skill to do that, but now it's a month later, they haven't done the data input. So, in a month, they haven't even manually put in.

So, what I hear from the County Executive is he wants disclosure, instant disclosure. As quickly as possible, the people of Suffolk County should have disclosure to our campaign financials, yet, it is very clear that this system with the Campaign Finance Board does not provide that. By vetoing it, he's actually vetoing the public's access to the information.

And I read from Mr. Lutz, from his •• from his June 1st testimony, he said, "The Campaign Financial Board would also remind the Legislature that through its own initiative and with the

Legislative assistance," going forward, "has already developed and implemented an electronic filing system for campaign disclosure data." The point is he said they have it, it's on their website in the front page that they have it. They don't have it. I don't know when they're going to have it, but the BOE has the technical expertise, the people, and the funding to be able to do it, so that's why we should pass this. If you are for disclosure, you're for doing it with the BOE. If you're not for disclosure, you want to continue doing it the way we've been doing it.

P.O. CARACAPPA:

Thank you. Motion and second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yep.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Oh, yes.

LEG. BINDER:

What is, "Oh, yes"?

MR. BARTON:

15•3.

P.O. CARACAPPA:

That's approved. **1806 (Authorizing certain technical corrections to adopted Resolution No. 256•2004).** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1809 (Approving the reappointment of Lee Eysman as a member of the Suffolk County Electrical Licensing Board). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense Resolutions. **Sense 57 (Memorializing resolution requesting State and Federal officials to enforce existing laws to recover lost tax revenue).** Motion by Legislator Caracciolo, second by myself. All in favor? Opposed?

LEG. MYSTAL:

Abstain.

P.O. CARACAPPA:

One abstention.

LEG. MONTANO:

Two.

P.O. CARACAPPA:

Two abstentions.

LEG. VILORIA • FISHER:

Three.

P.O. CARACAPPA:

Three abstentions. Four in Legislator Bishop and ••

LEG. CRECCA:

I'll abstain.

P.O. CARACAPPA:

Call the vote.

MR. BARTON:

I have abstentions, Foley, Crecca, Bishop, and Mystal.

MR. MONTANO:

Montano.

P.O. CARACAPPA:

Viloria • Fisher.

LEG. FOLEY:

I didn't abstain.

LEG. MONTANO:

Montano.

MR. BARTON:

Montano, okay.

P.O. CARACAPPA:

Foley didn't abstain, Bishop did.

MR. BARTON:

14, 4 abstentions.

P.O. CARACAPPA:

It's approved.

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Who's •• whoever's •• oh, God. You just have to raise your hands, people. Raise your hands if you're abstaining.

MR. BARTON:

Oh, okay. I didn't get Vilorina•Fisher. Thank you.

LEG. MYSTAL:

Bishop, Crecca, Montano, Vilorina•Fisher.

MR. BARTON:

12.

P.O. CARACAPPA:

Seven. It's not even anymore.

LEG. TONNA:

Abstaining.

P.O. CARACAPPA:

Just abstain, Legislator •• one, two, three ••

LEG. CRECCA:

Roll call.

MR. BARTON:

Got it.

P.O. CARACAPPA:

Roll call by Legislator Crecca, he called for it.

LEG. CRECCA:

Sorry, it's just too confusing.

MR. BARTON:

All right.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Abstain.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

MR. BARTON:

Legislator Caracciolo.

LEG. CARACCILO:

Yes.

MR. BARTON:

I got it, I'm sorry.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's approved again. ***Sense 60 (Sense of the Legislature resolution in opposition to the enactment of an additional Real Estate Transfer Tax).***

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion to approve by Legislator Binder.

LEG. BINDER:

No, motion to table.

LEG. BINDER:

Motion to table by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

61 (Memorializing resolution requesting the New York State Legislature to enact

legislation protecting real estate commissions). I can't talk that fast. Motion by Legislator Carpenter.

LEG. CRECCA:

Henry, remove my name from that.

P.O. CARACAPPA:

Second by Legislator Losquadro.

LEG. CRECCA:

60.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. BISHOP:

Explanation on this one.

P.O. CARACAPPA:

Explanation.

LEG. BISHOP:

I'm sorry. It's just •• protecting real estate commissions from who?

MS. KNAPP:

This requests the State Legislature to enact a provision that would require disputed real estate broker fees to be deposited into a court account, and when the dispute was resolved, then the monies could be withdrawn.

LEG. BISHOP:

As opposed to •• what happens in the current situation.

MS. KNAPP:

According to the literature that accompanied this, it appears that a lot of brokers get to the

table and they're forced at the table to basically either reduce their commissions or face not being able to walk away with anything, because the brokers are paid at the table.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

By way of explanation for you, David, what happens is that let's say you're buying a house and the broker was to get 6%, you get at the table, then you can •• sometimes what happens, the broker •• the seller will say, "I'm not going to pay, I'm only going to give you 3%." Now, they have to go into litigation, which may last years ••

LEG. ALDEN:

Take his car.

LEG. MYSTAL:

•• before they get the money. Before they get the money. It's a bill that's in front of the Legislature now and I don't know if they're going to act on it or not, but it's a bill that •• you know, that really would put the brokers in a very bad situation, because they can't get the money unless they go to court.

LEG. BISHOP:

What happens ••

LEG. MYSTAL:

What they're asking now, they put the money away.

LEG. BISHOP:

What happens if the broker says it's 6% and they say, "No, you said it was only 3%."

LEG. MYSTAL:

They can walk away from the deal. There's nothing they can do. The broker has no recourse, they have to litigate.

LEG. BISHOP:

Well, they have the recourse of the courts.

LEG. MYSTAL:

Yes. Sometimes the money involved is not big enough for them to go to litigation for it, because they get 3% of let's say a \$3,000 commission, it's going to cost them \$4,000 to litigate, that's basically the deal. I'm not a lawyer, I'm not a broker.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

P.O. CARACAPPA:

One abstention, Legislator ••

LEG. CRECCA:

Abstain.

P.O. CARACAPPA:

Two abstentions, Legislator Montano and Alden.

LEG. CRECCA:

No, Crecca.

P.O. CARACAPPA:

Crecca. My apologies, Crecca.

MR. BARTON:

16, with 2 abstentions.

P.O. CARACAPPA:

Sense 62 (Sense of the Legislature resolution requesting Governor Pataki to approve legislation regulating gift cards). Motion by Legislator Lindsay, second by Legislator

Binder. All in favor? Opposed?

LEG. TONNA:

What's a gift card?

P.O. CARACAPPA:

It's a gift certificate, gift card, you know.

MS. BURKHARDT:

Credit card.

P.O. CARACAPPA:

It's gift certificates. They look like a credit card, but it's just gift certificates.

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you. ***Sense 63 (Sense of the Legislature resolution requesting New York State Legislature to repeal antiquated vicarious liability laws).*** Motion by Legislator Carpenter.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by Legislator Crecca. All in ••

LEG. MYSTAL:

Explanation on that one, too.

LEG. CRECCA:

The smart •• the leases.

D.P.O. CARPENTER:

Yeah, the car leases.

LEG. CRECCA:

Yeah. So they get us to pay all the tax up front.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. BISHOP:

Abstain. Actually, oppose.

P.O. CARACAPPA:

Abstentions, Legislator Montano, and one opposition, Legislator Bishop.

MR. BARTON:

16.

P.O. CARACAPPA:

Sense 65 (Sense of the Legislature resolution requesting New York State and the towns in Suffolk County to adopt a uniform Mobile Infrared Transmitter (MIRT) System that identifies users). Motion by Legislator Alden.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. MONTANO:

Abstention.

MR. BARTON:

18.

P.O. CARACAPPA:

One abstention, Legislator Montano.

MR. BARTON:

17.

P.O. CARACAPPA:

66 (Memorializing Resolution requesting the New York State Legislature to enact S.6951 •A, limiting registered sex offenders contact with children).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 68 (Sense of the Legislature resolution requesting judicial authorization of electronic monitoring when recommended by probation). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 69 (Sense of the Legislature resolution requesting town in Suffolk County reassess illegal multifamily housing). Motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. CARACCILOLO:

Mr. Chairman.

MR. BARTON:

18.

P.O. CARACAPPA:

One abstain. Did I hear an abstention over on •• okay. I recognize Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. I'd like to make a motion to reconsider 1750.

P.O. CARACAPPA:

1750 is on what page and where, Legislator Caracciolo?

LEG. CARACCILOLO:

Page 14.

P.O. CARACAPPA:

Page 14?

LEG. TONNA:

Are you on the prevailing side?

LEG. CARACCILOLO:

I got 14.

P.O. CARACAPPA:

1750 is authorizing the commencement of Eminent Domain Proceedings for land adjacent to Lake Ronkonkoma Park and assist in relocation of residents. Motion to reconsider by Legislator Caracciolo, second by Legislator Binder. All in favor? Opposed? Abstentions? It's now before us.

LEG. BISHOP:

Opposed. Opposed to reconsideration. I don't know what could possible have happened.

P.O. CARACAPPA:

There's one opposition to reconsideration. It's just someone wants to change their vote, that's all, that wants to ••

LEG. SCHNEIDERMAN:

I'd like to change my vote.

MR. MONTANO:

Oh, okay.

LEG. MYSTAL:

I don't want to change the vote.

P.O. CARACAPPA:

You don't have to. We're going to revote and one person's going to change. It's now before us. There's a motion to approve by Legislator Crecca, second by myself. All in favor?

LEG. BISHOP:

Roll call.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

MR. BARTON:

I'm sorry, Legislator Nowick?

LEG. NOWICK:

Yes.

MR. BARTON:

Yes. Thank you.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Sure.

LEG. BISHOP:

Rick, what did you vote?

MR. MONTANO:

Yes.

LEG. SCHNEIDERMAN:

Say no.

LEG. BISHOP:

Voted yes?

LEG. MONTANO:

Hold on a second.

P.O. CARACAPPA:

This is before us again.

LEG. SCHNEIDERMAN:

Say no.

LEG. O'LEARY:

Say no.

LEG. SCHNEIDERMAN:

This is the trailer park.

LEG. MONTANO:

We're voting to reconsider?

P.O. CARACAPPA:

No, no.

LEG. BISHOP:

No.

LEG. SCHNEIDERMAN:

We already reconsidered it.

LEG. MONTANO:

Oh, sorry, no.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILO:

Yes.

LEG. BISHOP:

Deal.

D.P.O. CARPENTER:

Yes.

LEG. BISHOP:

What happened?

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

I'd like to make a motion to reconsider 1805. I believe I was on the ••

MR. BARTON:

Nine.

P.O. CARACAPPA:

What page?

LEG. FOLEY:

Page 15. I'll second that motion.

MR. BARTON:

The vote was nine. (Vote amended to 8)

P.O. CARACAPPA:

1805 failed.

LEG. FOLEY:

No, 1805 was approved 15 to 3.

P.O. CARACAPPA:

Oh, that's •• oh, right, that's •• that was the Campaign Finance Board?

LEG. FOLEY:

He wants to reconsider, because I want to change my vote.

P.O. CARACAPPA:

There's a motion ••

LEG. FOLEY:

I'll second it.

P.O. CARACAPPA:

There's a motion to reconsider.

LEG. BINDER:

Mr. Chairman, on the motion.

P.O. CARACAPPA:

There's a motion to reconsider 1805, there's a second by Legislator Foley.

LEG. BINDER:

On the motion. On the motion.

P.O. CARACAPPA:

On the motion to reconsider.

LEG. ALDEN:

Opposed.

LEG. BINDER:

I would •• I would just ask my colleagues that, especially those who have now voted to •• for voter access, constituent access to our finances, that we don't reconsider this and we keep the vote as it stands.

LEG. FOLEY:

Mr. Chairman, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

The reason I asked Legislator Lindsay to make the motion to reconsider, so that I •• so I can reconsider my vote. I want to support the bill, Legislator Binder, quite frankly; okay? That's the reason.

P.O. CARACAPPA:

There's a motion to reconsider. All in favor? Opposed? Abstentions? It's before us.

MR. BARTON:

18.

P.O. CARACAPPA:

There's a motion by Legislator Binder to approve 1805, second by myself. All in favor? Opposed?

LEG. MYSTAL:

No.

P.O. CARACAPPA:

Abstentions?

LEG. TONNA:

Wait.

P.O. CARACAPPA:

Just the same vote as earlier, just add Legislator Foley ••

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

To a yes.

LEG. TONNA:

Yeah, I'm still against.

LEG. FOLEY:

Thank you for that reconsideration.

P.O. CARACAPPA:

Ladies and Gentlemen, in a separate packet in front of you, there's revised tax warrants.

MS. BURKHARDT:

Small folder.

P.O. CARACAPPA:

There's it's a small folder that we •• there's two votes we need to take. These are Resolution **1867** and **1868**. I'll make a motion to approve **1867**.

LEG. FOLEY:

What are they?

P.O. CARACAPPA:

They're amended tax warrants. The first one is **67, which is amending Resolution Number 1076 of 2003 and resolution 1077•2003 for the town portion of the 2003•2004 tax levy for the Towns of Brookhaven and Smithtown.** Motion by myself.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. FOLEY:

Just on the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I'll be very quick. Is it unusual that we receive these this time of year, and why are we ••

P.O. CARACAPPA:

Mr. Clerk.

LEG. FOLEY:

•• taking this action tonight?

MR. BARTON:

When there needs to be adjustments, we typically receive them earlier in the year. These were maybe a month later than past years, but we held them until we were sure that we had all of the changes that needed to be made. In this instance, the Town of Brookhaven made a mistake of about \$20,000 ••

LEG. FOLEY:

Twenty thousand or twenty million?

MR. BARTON:

•• in their STAR figures, so they've collected the correct amount of tax. The warrant would now ••

LEG. FOLEY:

Twenty thousand.

MR. BARTON:

•• adjust to reflect the corrected tax bills.

LEG. FOLEY:

Thank you.

MR. BARTON:

With the Town of Smithtown, it was \$43,000.

LEG. FOLEY:

Understood. Thank you.

MR. BARTON:

They forgot. Okay.

P.O. CARACAPPA:

There's a motion and second on 1867. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1868. Same motion, same second, same vote.

MR. BARTON:

18.

LEG. ALDEN:

Mr. Presiding Officer, I'd like to make a motion to lay on the table and approve ***Procedural Motion Number 5, and that would provide LIPA oversight and fund the CAP.***

LEG. CRECCA:

How much?

P.O. CARACAPPA:

Oh, this is CAP?

LEG. ALDEN:

Fifty thousand dollars.

P.O. CARACAPPA:

Fifty thousand dollars for the CAP, which is Community ••

LEG. CRECCA:

Citizens Advisory Panel

P.O. CARACAPPA:

Community Advisory Panel.

LEG. BINDER:

Second. Second the motion.

P.O. CARACAPPA:

This is Gordian Raccke's group. There's a motion by Legislator Alden. Is there a second?

LEG. BINDER:

Second.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Fifty thousand dollars for CAP. And there's a second. All in favor? Opposed? I'll oppose.

LEG. LINDSAY:

Oppose.

P.O. CARACAPPA:

Opposed, Legislator Lindsay, Legislator Montano, myself.

MR. BARTON:

15, 3 in opposition.

P.O. CARACAPPA:

Late•starters. I'll make a motion to waive the rules and lay on the table, seconded by Legislator Carpenter, the following late•starters: 1869, to Public Safety; 1870 to Ways and Means; 1871 to Ways and Means; 1874 to Budget and Finance; 1875 to Economic Development; 1876 to Economic Development. All in favor? Opposed? Abstentions? Those are laid on the table.

MR. BARTON:

18.

P.O. CARACAPPA:

Any other business to come before the Legislature tonight? Hearing none, we're adjourned.

[THE MEETING WAS ADJOURNED AT 10:18 P.M.]

_ _ ***Indicated Spelled Phonetically***